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## CONTENTS

Facing Southward - - - - -	Walter T. Prendergast	321
Mr. Justice Pierce Butler - - - - -	Richard J. Purcell, Ph.D.	327
Rank and Tenure in Catholic College Libraries		
Rev. Max Satory, S.T.B., B.L.S.		342
Can a Satisfactory General Course Be Presented in a Private Secondary School? - - - - -	Sister Mary Virginia, S.S.N.D.	348
The Case of the Invisible Foe - - - - -	Irvin Abell, M.D.	354

Educational Notes - - - - -	360
-----------------------------	-----

C. U. Summer Courses in Religion—Motion Pictures in Education—Deferment of Pre-Theological Students—Allied Meeting on Post-War Education—Catholic Summer Camps and Schools—Effects of the War Upon Colleges, 1943-44—Survey of the Field.

Reviews and Notices - - - - -	371
-------------------------------	-----

Literature: A Series of Anthologies—The Priesthood in a Changing World—Gilbert Keith Chesterton—Trailing a Famous Book Through the Years.

Books Received - - - - -	383
--------------------------	-----

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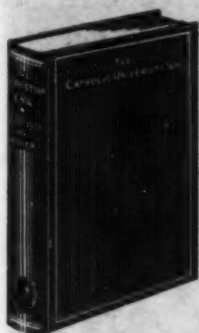
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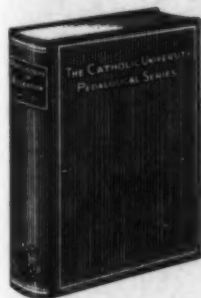
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# The Catholic Educational Review

JUNE, 1944

## FACING SOUTHWARD\*

The Americas cover an enormous territory. They are separated by geographic differences of mountain, plain, jungle, ocean, climate, and by every natural hazard. In historic origin, racial and national development, traditional culture, religion, and contemporary outlook, they present a wide diversity. But all, however far-flung or diverse, can come together, with sovereign rights unimpaired and national aspirations glorified, beneath the shadow of the universal cross of Christianity.

This spiritual unity of the Americas is their birthright and greatest heritage. Whatever there is of nobility in the New World owes its existence to a spiritual ideal and to the labors of spiritual men. Mixed motives, it is true, have driven men across the face of the earth and been responsible for the final shape of society. But what is noblest in that society derives from the Christian spirit of its great men and women.

There is much to indicate that the impact of European civilization upon the Indian natives of the Americas was accomplished long ago with blood and oppression. All history, unfortunately, is stained with this. But beside the economic impulse, the lust for power, the shadowy forms of bigotry that have been publicized so much and used reciprocally to blacken our national scutcheons, there runs the golden thread and background of noble desire spun from the realization that we are the sons of God and the heirs of heaven. Hand in hand with the often excessive emphasis which we, in this hemisphere, have placed on material things, there has always been another and

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\* Radio address delivered by Walter T. Prendergast, Special Assistant to the Coordinator of Inter-American Affairs, Washington, D. C., on the occasion of a Pan American Day Celebration sponsored by students of Immaculata College, Immaculata, Pennsylvania, in Philadelphia, April 22, 1944.



equally strong driving force. That was the determination to make and keep these lands of our spiritually free—havens of refuge where men might worship God according to the dictates of their consciences and without fear. The oppressed from every country under heaven looked toward the New World; millions flocked here to taste of freedom and to enjoy its fruits. By and large, they gladly shouldered the burdens and responsibilities which honest freedom brings; and they toiled relentlessly to build nations which would, in time, fulfill their fondest dreams.

Such constructive work as was done, in education, civilization, and the progress of morals, was achieved under the inspiration of Christ. And where brutality and oppression showed their hand, it was the steadying and restraining power of religion that called men back to a sense of justice and defended the rights of the oppressed.

In this process of forging the nations of the Americas and providing them with a forward and upward vision, the Christian Church takes a most justifiable pride. Its policy, like that of Christ, has been one of the greatest possible in humanity, binding up the wounds of the sick and injured, teaching the friendly arts, stressing the formation of community and social as well as private virtues, reproving the evil, and teaching ways of salvation—and this without counting the cost in personal sacrifice.

To assume, as has become the mode in certain schools of thought, that action in the religious field was summed up in mediocrity and empty aggrandizement, would be as ridiculous as to assert that English literature died with Shakespeare and Spanish literature with Cervantes. The work of evangelization, of education, and of charity went on unabated, wherever it was not stopped by hostile forces, throughout the seventeenth and eighteenth centuries—and continues on today.

Great universities, the press, scientific development and social uplift were the glory of all Ibero-America long before the British colonies of America were able to boast of similar achievements. If we were so long unaware of these facts—and we were largely ignorant of them—the fault was ours. Recent years, however, have brought great changes, and into our ken came the fact that a whole continent lay at our very door and we had not known it. Latin America is now, thanks to that discovery, a subject

of enthusiastic study. And the rewards of that study fully compensate for whatever effort may be involved in giving it large attention. A culture is there, a dramatic history, music and art, social institutions and political ideas, and a future bounded only by the limits of imagination. It is true that these republics of the South have for centuries been tied to Europe by bonds of heritage and mutual interest. Aside from our financial investments there, few of us were aware of what we now call The Other Americas. That they lie for the most part east of our continent was no more suspected than that they might lie somewhat eastward of our own intellectual life and cultural progress.

In this general regard, I venture to say that in the field of Inter-American relations today the biggest and most significant news is not the momentary or current economic or political crisis in any particular country, but rather the constantly increasing, sincere interest of the people of this country in the future of the Good Neighbor Policy. Busy men and women in all walks of life do not take time in the middle of a war to interest themselves in other lands, other peoples, and to study other languages, other customs just for amusement's sake. But busy men and women by the thousands in all walks of life are doing precisely that throughout the length and breadth of this country today. They are in earnest. They mean business, and by business I do not refer to the kind that is measured in dollars and cents. Our people may make mistakes; but we are far from being a stupid people. Once we realized that we knew all too little about those beyond our boundaries who inhabited this hemisphere, we set out to learn. This gathering before which I speak is a concrete evidence of our desire to know our neighbor and to follow the divine precept to love our neighbor.

The development of intellectual understanding has grown apace during recent years. In the vanguard of these sane forces of understanding has been your own Immaculata College which for long years has stressed the necessity for fuller knowledge of our American sister nations as the safest foundation for mutual respect. And the Villa Maria Academies in Peru and Chile have also been vital and stimulating evidences of the will to *do* something about this business of knowing and loving our neighbor, rather than sitting smugly by and saying how pleasant it would be if only *somebody else* would bestir himself.

It was inevitable and easily understandable that, during the movements for independence in the early nineteenth century, a certain amount of political confusion and division should characterize segments of the Church as well as of the State. Nevertheless, as the Catholics of France had earlier rallied to the cause of independence for the British colonies of North America, and as the Catholics in the colonies, under the inspiration of John and Charles Carroll, had pledged their lives and fortunes to the cause, under none too easy circumstances, so did leading clerics throughout Ibero-America, in the belief that they were preserving spiritual benefits, join with Bolívar, San Martín, O'Higgins and the other great patriots of independence.

So far as spiritual unity of the Americas is concerned, it must be admitted that during the colonial era there was precious little in common between what may be designated as Anglo-America and Ibero-America. Conflicts and antagonisms of numerous kinds gave rise to a series of unhappy traditions that still delay the way to perfect understanding and unity of spirit.

The nineteenth century and part of the twentieth witnessed the development of something of a cultural and partly political kinship among international elements.

Developments of the last two decades point to a more comprehensive and positive approach to spiritual and intellectual understanding. Within the Ibero-American nations, the cynical attitude of various intellectuals with respect to religious faith is giving way to the realization that Christianity, properly understood, is a bulwark of free institutions and that religion, as the link between man and God, is the only solid foundation of character and civic morality. Leading men and women, in public and private positions, throughout Central and South America are devoting themselves to the betterment of their people on the same basis and motive of religious inspiration.

There is a growing realization on the part of intelligent observers that the spiritual link of the Americas is Christianity; that to hold this up to scorn is to offend the proudest and most ancient heritage of our "Good Neighbors" and to rekindle the flames of confusion and internecine struggle that brought weakness and disintegration in the past.

It is our responsibility to recognize these facts and to see to it that the representatives sent from the United States to the

countries of Latin America, whether as diplomats, or businessmen or in whatever capacity, be of the highest calibre. Nothing less will do, and nothing less will satisfy the aspirations of all those public and private agencies now working so zealously in the task of furthering inter-American understanding and cooperation.

At the same time, the Government of the United States has gone to great lengths in proclaiming religious freedom as a cardinal point of democracy and the necessity of religious foundations as demonstrated by right reason. It would, therefore, seem that the moment has come for the international relationships of the nations of the Western Hemisphere to rise to a higher spiritual level and to aspire to an integrity dominated by spiritual ideals. As a matter of fact, this challenge has been put forth by various countries and spokesmen, albeit in different terms and with various concepts.

The spirit of cooperation, however, must rest upon profound conceptions of the rights and duties of men and nations before God, if it is not again to degenerate into a sly quest of profits. Even democracy itself, held aloft as the ideal and hope of human rights, can end in a welter of power politics, selfish intrigue, and brute force, unless it is founded on the principle that all authority stems from God, that it is limited by the moral law, and that it carries a responsibility of respecting the inherent rights of nations other than the people over which it is specifically exercised.

The time has come for us individually and collectively to ask honestly whether our aspirations for Inter-American cooperation and the democracy we extol and propose to protect are resting on solid Christian principles or whether we are off in a fog of high-sounding phrases and protestations of a temporizing nature, with no more substance than the air they are breathed upon.

Unfortunately, in the past, expressions of idealism and friendship in the foreign policy of nations have frequently been regarded with suspicion as foreshadowing some gross and crafty design upon the sovereignty and well-being of other states. There is no reason why this must be the case; and it will cease to be so just as soon as we are prepared to hearken to the words of the Master who gave the finest definition of democracy: "Thou shalt love the Lord thy God with thy whole heart and



with thy whole soul and with thy whole mind and with thy whole strength. This is the first commandment. And the second is like to it: Thou shalt love thy neighbor as thyself" (Mark xii, 30, 31).

We of the Americas have much to be thankful for, and be it noted that our thanks go forth, not to our own efforts or to some nameless force or human conception, but to Almighty God, the Giver of all good gifts.

Natural resources, boundless opportunities, freedom of activity, the vigor of youth—all these lie at our command. It is within our power to appreciate and use them as God has intended, sharing the good things of earth with a benediction on our lips. Working in spiritual harmony, symbolized so beautifully by the Christ of the Andes and of Corcovado, practicing the Faith that is within us, cooperating in the Christian brotherhood, laboring for human advance in line with the principles of Christ and for the objectives of Christ, we shall forge the destinies of a world that the Providence of God has not forgotten.



## MR. JUSTICE PIERCE BUTLER\*

Justice Butler did prove a conservative whose constitutional views were tinged with the historic Democratic, states' rights way of life, a determination to protect individual and minority rights as well as the common law status of property, and a refusal to bend strict construction of the Constitution to meet the social and economic theories of the more liberal school which he lived to see dominate the Court and the electorate. As Solicitor General Biddle commented so well:

But behind any aloofness, members of the highest court hold and express convictions. Difference in point of view on great national issues finds its way not only into Congress, but ultimately in the Court, sometimes with urbanity, as with Justice Sutherland, often with a passionate conviction, as with Pierce Butler, who stood by his guns and would not be silenced. But such stuff, whatever the immediate result in a particular case, is the democratic process enriched.<sup>49</sup>

Consistent he was from his first day on the bench when his understanding of government, the Constitution, and the law was in conformity with that of the majority of the members of the Supreme Court until his last hours on the bench when he found himself in a hopeless minority and denounced by liberals as the reactionary boss of the conservative justices. And he was condemned because,

Fearful of the rule of men in place of the rule of law, he appealed to the accumulated body of the law as a continuous social expression and not as what might appear at a particular time to be the enlightened social self-interest. He did not believe that the law is merely what the judges may from time to time say it is. He believed that there is a law that is greater than the judges and he was zealous to avoid its mis-application merely because the end in view appeared at the moment to be desirable. . . . This faith in the individual man was expressed by resistance to any attempted infringement of the bill of rights, and, in the absence of constitutional amendment, to centralization of government and to extension of its power over the individual. He felt that greater material welfare under a paternal government—if possible of achievement—rather than en-

\* EDITOR'S NOTE: The first part of this article appeared in the April, 1944, issue of THE CATHOLIC EDUCATIONAL REVIEW. The third and final section will be published in a future issue of this magazine.

<sup>49</sup> *In Memoriam*, 6.

nobling the citizen would debase him by destroying his integrity and denying his will to exercise his moral and intellectual force. He refused to concede that the individual is a helpless creature of an environment built by others, and opposed the kind of humanitarianism that would relegate him to that position.<sup>50</sup>

Neither enemies nor critics denied his integrity, his scrupulous avoidance of sharing in an opinion in railroad cases in which he had ever so slight an earlier interest, the direct forthrightness of his decisions or dissents, his laboriousness in the work of the court and his practical wisdom in counsel based upon a wide range of experience in law and in business. William D. Mitchell, a former law partner, urged in his eulogy:

He was always a dreaded antagonist at the bar. His preparation of cases was unfailingly thorough. . . . His Irish wit often bridged over difficult situations. . . . If any one talent stood out above another in the practice of his profession, it was his marvelous capacity to assimilate great masses of complicated facts and figures, to arrange them in his mind in an orderly fashion for use, and to hold them in his memory for an indefinite period. I doubt if any man ever took a seat on this bench with a broader, more varied experience at the bar, or after more of those contacts with human nature which develop practical judgment in dealing with human affairs.<sup>51</sup>

No doubt Mitchell's observations of Butler's view of government would hold for almost any Cleveland Democrat:

My thought is that in Pierce Butler it took form as a deep conviction that a government governs best which governs least; that increasing centralization of power in government and increasing interference by government in the ordinary affairs of men, beyond that necessary to prevent abuses, lead to diminution and ultimate loss of liberty; that a system which allowed him, a simple farmer's boy, to rise to the heights, was worth clinging to.

On the bench he was never idle as the *Reports* well indicate with his three hundred and twenty-three written opinions and forty-four dissents. In all he dissented in whole or in part from the majority some one hundred and forty-three times. Of these dissents one half occurred in the Rooseveltian era when the

<sup>50</sup> *Ibid.*, 14.

<sup>51</sup> *Ibid.*, 40.

Constitution was being streamlined and the old American pattern was being socialized.

Among the burdensome cases coming before the Supreme Court were those dealing with a just determination of reasonable rates to be charged by railroads and public utilities. This involved complicated financial and economic problems which caused Chief Justice Taft to write in due humility: "I dislike them extremely and don't feel competent in them. . . . We have some experts on our Court. One is Pierce Butler, the other is Brandeis."<sup>52</sup> No two men were farther apart, however. Butler would base rates upon the cost of reproduction of the road or concern which in an inflationary period would be exorbitantly high, and watered with resultantly higher rates for services rendered. His reproduction cost new theory which he wrote into the Indianapolis Water Company case was widely condemned by reformers as it offered a rampart for high-priced services on the part of utilities. The majority of the Court as then constituted, including its Chief, would follow this thesis. The more social-minded Brandeis would attempt to ascertain the prudent investment value of a utility as a basic figure upon which to estimate reasonable rates.

In a case involving the Baltimore Street Railway (1930), Butler was of the majority who decided that a fare fixed by state law and which guaranteed a return of 6.25 per cent was confiscatory, as the company should be entitled to a fare which would result in a return of at least 7.50 per cent.

The litigation of the government instituted by President Harding against the Chemical Foundation which had purchased German dye and chemical patents, trade marks and copyrights from the Alien Property Custodian for a mere nominal consideration of \$271,850 was ended finally by Butler's opinion for the Court which affirmed that of the lower courts. No fraudulent deception of President Wilson was found or any unlawful scheme or combination. And President Wilson was found to have acted

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<sup>52</sup> Pringle, *Taft*, 1065. Today Butler's view would be antiquated especially in the light of a decision of the Supreme Court (Jan., 1944) upholding rate-fixing of the Federal Power Commission in the case of the Hope Natural Gas Company on the basis of the prudent investment theory which will permit a reduction of rates. The "fair value" theory has been probably laid to rest as it affected federal and state regulation of public-service businesses.

within his power as determined by a liberal construction of the Trading with the Enemy Act. As Justice Butler insisted by way of argument:

It was peculiarly within the province of the Commander in Chief to know the facts and to determine what disposition should be made of enemy properties in order effectively to carry on the war. . . . Congress was untrammelled and free to authorize the seizure, use or appropriation of such properties, without any compensation to its owners. There is no constitutional prohibition against confiscation of enemy properties.<sup>53</sup>

One of Butler's criticized decisions freed the Panhandle Oil Company from payment of a gas tax levied by the State of Mississippi on deliveries to the United States Coast Guard on the basis of rather far fetched deductions from the ancient view of Marshall that a federal instrumentality could not be subjected to a state tax and that the oil company's sales in this case made it a federal instrument.<sup>54</sup> Less noticed was his dissent in *Bromley v. McCaughn* from the majority which upheld the gift tax on such gifts after the passage of the act and brought such gifts out from under the direct and apportionable tax clause in the Constitution. The minority held to the older view that a man could do what he would with his own property and that the right to make gifts was an incident of private ownership.<sup>55</sup>

Popular was Butler's reading of the Supreme Court decisions which castigated Albert B. Fall, Edward L. Doheny and Harry F. Sinclair in their irregular efforts and fraudulent transactions to win untold wealth through the exploitation of naval reserve oil fields and which finally restored the fraudulently acquired Teapot Dome and the Elk Hills fields to complete federal ownership and control. His language minced no words, and no loophole was left by which Messrs. Doheny and Sinclair could expect reimbursement for the estimated thirty million dollars spent in preparation of the fields for their active development unless through action by Congress on a petition for relief. Thus ended

<sup>53</sup> *New York Times*, Oct. 12, 1926.

<sup>54</sup> *M'Culloch v. Maryland*, 4 Wheaton, 316, 1819.

<sup>55</sup> *Panhandle Oil Co. v. Knox*, 277 U. S. 228, 1928. For Justice Holmes's dissent, see *Holmes-Pollock Letters*, II, 219.



the civil side of the most notorious though not the most vicious of the scandals of the Harding regime.<sup>56</sup>

When Sinclair refused to answer questions concerning matters involving the Mammoth Oil Company before Senator Thomas Walsh's Senate Investigating Committee, he was fined and sentenced to prison for contempt.<sup>57</sup> Appealing on the basis of guarantees in the Fourth and Fifth Amendments and on the ground that the matter involved was in the nature of a private case justiciable in the ordinary courts. For his brethren of the Supreme Court, Butler wrote the opinion in which he asserted that the power of inquiry is a legislative function but that it must be carried out with regard to the rights of witnesses and the pertinency of the question. He decided against Mr. Sinclair, as he held that the Committee was empowered to make the inquiry, summon witnesses, administer oaths, that the questions were pertinent, that the refusal to answer was deliberate, and that the investigation did not relate merely to the appellant's private and personal affairs. Thus he clarified the powers of a legislative investigating committee.

In the German language case from Nebraska, Butler agreed with the majority (Holmes and Sutherland dissenting) and likewise with the unanimous court in the case of *Pierce v. the Society of the Sisters of the Holy Names of Jesus and Mary* coming out of Oregon to protect the parental rights in the education of children against unwarranted interference by a state contrary to the protective clauses in the Fourteenth Amendment and the property right of teachers and schools to teach within proper regulations.<sup>58</sup> These cases incidentally initiated the now well considered judicial policy of writing the civil rights of the First Amendment into the life, liberty and property clause of the Fourteenth Amendment—a most important constitutional

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<sup>56</sup> *Mammoth Oil Co. et al v. U. S.*, 275 U. S. 13, 1927; *Pan American Petroleum and Transport Company v. U. S.*, 273 U. S. 456; *New York Times*, Oct. 11, 1927; 280 U. S. 124, 1929; Roswell Magill, *The Impact of Federal Taxes* (1943), 80.

<sup>57</sup> *Sinclair v. United States*, 279 U. S. 263, 1929.

<sup>58</sup> *Meyer v. Nebraska*, 262 U. S. 390, 1923; *Pierce v. the Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U. S. 510, 1925. (On this case a large volume has been compiled by the National Catholic Welfare Conference.) See Richard J. Purcell "Initiative and Referendum with Special Reference to Oregon" *Catholic Charities Review*, 6 (Dec., 1922), 343 f.



guarantee by judicial interpretation that the various freedoms are federally protected from state abuse as the Jehovah Witnesses are so well demonstrating in test cases.

In *Adkins v. Children's Hospital*, Justice Butler was of the majority (5 to 3) who nullified the minimum wage law for women and children in the District of Columbia<sup>59</sup> as a violation of the Fifth Amendment. On this precedent despite differences in the wage theory, a minimum wage law for women in New York was held void under the similar due process clause of the Fourteenth Amendment with Butler speaking for the majority of the Supreme Court and with Justices Hughes, Stone, Brandeis, and Cardozo in dissent.<sup>60</sup> From the majority, he dissented in the case which legalized a Washington State Minimum Wage Law and thus virtually reversed the Supreme Court in the District of Columbia case as it gave a different meaning to due process in the Fourteenth if not in the Fifth Amendment.<sup>61</sup>

Criticized as illiberal at the time but more in accordance with post-Pearl Harbor thought, was Butler's delivery of the Court's opinion upholding laws of California and Washington which prohibited or estopped Japanese and other aliens from owning land.<sup>62</sup> In a similar case modified by a trusteeship held by a citizen for the American citizen children of an alien Japanese subject, he again confirmed the constitutionality of a California anti-alien land law.<sup>63</sup> While it was granted that aliens come within the protective clauses of the Fourteenth Amendment, land-holding within a sovereign area was denied aliens from immemorial times unless by royal allowance or under treaty provisions. Such a provision had not been incorporated in the treaty with Japan as that country had demanded. Neither the

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<sup>59</sup> 261 U. S., 525, 1923. Father John A. Ryan, thinking more in terms of justice and the unsatisfactory character of bare majority decisions, criticized this case in an article (*Catholic World*, May, 1923) in which he deplored the fact that two of the justices in the majority were Catholics, that is, Butler and McKenna. After all cases in that era, at least, were decided on the facts, not because of the justices' personal ethical views, and on the basis of the law and its precedents—justice within the law.

<sup>60</sup> *Morehead v. People et ex rel. Tipaldo*, 297 U. S. 702, 1936.

<sup>61</sup> *West Coast Hotel Co. v. Parrish*, 300 U. S. 379, 1937.

<sup>62</sup> *Terrace v. Thompson*, 263 U. S. 197, 1923. See *New York Times*, Nov. 13, 1923.

<sup>63</sup> *W. A. Cockrill and S. Ikada v. People of California*, 268 U. S. 258, 1925. See *New York Times*, May 12, 1925; also 31 *Yale Law Review*, J., 408.

classification nor the prohibition was found to violate the treaty or the Fourteenth Amendment. The dissenters, McReynolds and Brandeis, went further as they maintained the Court should have refused to hear the case as non-justiciable. Following the lower court, Butler declared:

It is obvious that one who is not a citizen, and cannot become one, lacks an interest in and the power to effectually work for the welfare of the State, and, so lacking, the State may rightfully deny him the right to own and lease real estate within its boundaries. If one incapable of citizenship may lease and own real estate it is within the realm of possibility that every foot of land within the State might pass to the ownership or possession of non-citizens.

He stood firm on the equal protection clause in the Fourteenth Amendment when he read a decision in *Quaker City Company of New Jersey v. Pennsylvania*<sup>44</sup> voiding a tax under a state law levied against this foreign corporation doing a taxi business in Philadelphia when no such tax was levied upon individuals in the same business and operating under the same conditions, thus setting up a discriminatory classification. That Holmes, Brandeis, and Stone offered dissenting opinions in no way caused Butler to doubt the potency of his logic.

In the case of Frank Agnello, convicted in a New York federal district Court of violation of the Harrison Anti-Narcotic Act on the basis of finding cocaine in a search of his home when he was arrested elsewhere, the Supreme Court speaking through Butler remanded the case for a retrial. On this basis it was impossible for revenue agents enforcing prohibition and narcotic laws to search a man's home without a warrant to obtain evidence unless an arrest had been made on the premises. Butler stood firmly on the civil rights even of such a man as they were guaranteed by the Fourth and Fifth Amendments, and he drew a correct distinction between the search of a man's home, so historically sacred from the earliest days of the common law against violation, and the search of an automobile suspected of transporting liquor contrary to the Volstead Act. A movable motor or boat would not wait for the law of guarantees. Even Wayne B. Wheeler, general counsel for the Anti-

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<sup>44</sup> 277 U. S. 389, 1928.

Saloon League, admitted that the decision was correct in law and declared that his organization looked with disfavor on enforcement agents who would so violate the law.<sup>65</sup>

The Supreme Court in a five-to-four decision upheld the conviction of Thomas Casey, a Seattle lawyer, under the Harrison Act, by means of a trap set by a jailer who permitted a sale of narcotics to prisoners in the county jail. Brandeis dissented vigorously against the use of illegal evidence obtained through an official's violation of the law to induce the crime as provocateur. With Justice Butler, Justice McReynolds concurred as he sarcastically observed:

Once the thumbscrew and the following confession made convictions easy, but that method was crude, and I suppose now would be declared unlawful upon some ground. Hereafter, presumption is to lighten the burden of the prosecutor.

The victim will be spared the trouble of confessing and will go to his cell without mutilation or disquieting outcry. Probably most of those accelerated to prison under the present act will be unfortunate addicts and their abettors, but even they lived under the Constitution, and where will the next step take up?<sup>66</sup>

For a rugged American of deep loyalties to the American way of life and a scion of a fighting breed, it was natural that Justice Butler would insist in naturalization cases that the candidate accept all the responsibilities of citizenship along with its privileges and guarantees. Hence he was with Justice Sutherland speaking for the majority of the court in its denial of United States citizenship to Douglas C. Macintosh, Baptist minister and full professor in the Yale Divinity School, an avowed pacifist though a World War chaplain in the Canadian army,<sup>67</sup> who would not bear arms in defense of this country unless convinced that the war was morally justified in his own view. In a certain sense, the Scottish minister would drive a bargain with the fed-

<sup>65</sup> 209 U. S. 20; *Carroll v. U. S.*, 267 U. S. 132, 1925; See *New York Times*, Oct. 13, 1925.

<sup>66</sup> *New York Times*, Apr. 10, 1928 with editorial on following day.

<sup>67</sup> 283 U. S. 605, 1931. Professor Zechariah Chafee, Jr., of the Harvard Law School sees lawyers who are satisfied with the existing system of social conditions successful in practice and likely, as McReynolds and Butler, to reach high places on the bench. Often, he has observed: "Justices who uphold wide legislative control over business are often the very same men who want to invalidate any wide legislative control over discussion." *Free Speech in the United States* (1942), 360, 368 f.

eral government. Consistently Butler followed the same thought in the case of an army nurse, who would modify her naturalization oath with the clause "so far as my conscience as a Christian will allow."

Indeed these cases were within *United States v. Schwimmer*<sup>22</sup> in which the lower court was upheld in its denial of naturalization to Rosika Schwimmer, a middle-aged Hungarian writer of children's stories, who described herself as a pacifist and a member of the human family of the children of God. Should such a conscientious objector with so much influence over others be made a citizen? Justice Holmes disliked her answers, but he insisted that no principle of the Constitution calls for such attachment as the principle of free thought even for thought which we hate. Butler read the decision and offered the opinion:

A pacifist, in the general sense of the term, is one who seeks to maintain peace and to abolish war. Such purposes are in harmony with the Constitution and policy of our government. But the word is also used and understood to mean anyone who refuses or is unwilling for any purpose to bear arms because of conscientious considerations and who is disposed to encourage others in such refusal. And one who is without any sense of nationalism is not well bound or held by the ties of affection to any nation or government. Such persons are liable to be incapable of the attachment for the devotion to the principles of the Constitution that are required of aliens seeking naturalization.

With Justice McReynolds, Butler dissented from the view of the liberal majority as expressed by Chief Justice Hughes and the decision setting aside the conviction of a young woman communist of Russian parentage who supervised a radical camp, in the San Bernardino Hills, for children from ten to fifteen years of age and who was convicted of violating a California statute forbidding the display of a red flag as a symbol of opposition to organized government. In its looseness of language this law might well have denied a fundamental of democratic government: "The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the

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<sup>22</sup> 279 U. S. 644, 1929. See Chafee, *op. cit.*, 370.



Republic."<sup>99</sup> To Mr. Butler, there was no violation of freedom of speech or of the press, or any occasion to decide whether these freedoms were within the Fourteenth Amendment but merely a question as to whether anarchy would not follow such an unwarranted extension of liberty to include subversive activities.

Personal feelings, for his own general family had been maliciously attacked by a scandal sheet with blackmail in view, and an intimate knowledge of the wicked character of J. M. Near's *Saturday Press*, a semi-scandal sheet which attacked Minneapolis authorities, the Jewish race, the grand jury, and local papers, explained the dissenting opinion of Justice Butler in *Near v. Minnesota*<sup>100</sup> in which McReynolds, Sutherland, and Van Devanter concurred in true form. With no sympathy for papers publishing materials of a scandalous and defamatory nature, Chief Justice Hughes and the majority of the Court would protect freedom of the press under the due process clause of the Fourteenth Amendment against a restrictive law of Minnesota with an objectionable pre-censorship provision in the way of previously restraining publication. Butler saw in the majority decision an unreasonable extension of liberty of the press and of the Fourteenth Amendment as a restriction on the necessary police power of the State to restrain such irresponsible publications in view of the ineffectiveness of libel laws. He saw in the decision with its expressed doctrine an endangered good order in the community and the exposure of the business and private affairs of an individual to false and malicious assaults of irresponsible publishers who would or might engage in blackmail or extortion.

On the other hand, liberals not always too consistent readers of the law nor too universal in their special brand of liberalism could almost condone Butler's philosophy of the law, if that term can be used and if the Justice had a philosophy, when they read his dissent (along with those of Justices Brandeis, Holmes, and

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<sup>99</sup> *Stromberg v. California*, 283 U. S. 359, 1931. See Chafee, *op. cit.*, 364 f. See also Butler's opinion upholding the conviction of an I.W.W. organizer's conviction for a speech in Yosemite Park which a recent Congressional statute brought within the criminal law of California, *Burns v. United States*, 274 U. S. 328, 1927.

<sup>100</sup> 283 U. S. 697, 1931. It must be remembered that sheets of this character have been denied second class mail privileges and are often sold in a petty black market. See Chafee, *op. cit.*, 381.



Stone) from the decision of Chief Justice Taft speaking for the majority of the Court which permitted evidence acquired by wire-tapping in the conviction of an illegal, large-scale importer of liquor by boats via Canada into Washington for distribution on the Pacific Coast.<sup>71</sup> Butler would apply the Fourth Amendment, and he saw the "Telephone used for private and privileged conversations" within the contract between the telephone company and the users of its facilities:

This Court has always construed the Constitution in the light of the principles upon which it was founded. The direct operation or literal meaning of the words used do not measure the purpose or scope of its provisions. Under the principles established and applied by this Court, the Fourth Amendment safeguards against all evils that are like and equivalent to those embraced within the ordinary meaning of its words.

Time sustained the correctness of his civil-rights point of view.

When Nardone and others were convicted and sentenced for smuggling and possessing illegal alcohol, evidence had been offered by federal agents who had tapped interstate telephone calls. On certiorari, the case reached the Supreme Court where the decision rested largely on the interpretation of the Communications Act of 1934 which forbade anyone unauthorized by the sender from intercepting a telephone message and divulging the same. This would seem to end wire-tapping as a means of obtaining evidence even though there was no clear cut reversal of the earlier decision.<sup>72</sup>

Personal liberty seemed at stake to Butler in the test of a Georgia law which made illegal the possession of liquor acquired before the Eighteenth Amendment and kept in stock for personal use but which Chief Justice Taft upheld as within the State's police power exercised for the general moral welfare of man from whom temptation must be removed. As the owner of the liquor was a man of temperate habits, who was long accustomed to use liquor in moderation as a beverage and had never illegally sold any liquor, the law seemed "oppressive and arbitrary" to the dissenting Butler.<sup>73</sup>

<sup>71</sup> *Olmstead v. United States*, 277 U. S. 438, 1928. See Pringle, Taft, 990.

<sup>72</sup> 302 U. S. 379, 1937.

<sup>73</sup> *Samuels v. McCurdy, Sheriff of Dekalb County, Georgia*, 267, U.S. 188, 1925. Pringle, Taft, 988.

Or again he took action as Circuit Justice in his own circuit when federal judges refused to hear applications of some bootleggers who had been convicted and denied bail.<sup>74</sup> It may have been about this time or in this connection that Butler in a private outburst of humor is said to have described certain top-flight Minnesota importers of Canadian whisky in gondola cars with a surface covering of iron or coal as not ordinary criminals but as public benefactors. At any rate he granted the applications for he would not have men denied their civil rights:

The proper exercise of judicial discretion is never arbitrary, fanciful, or capricious; it is deliberate and governed by reason and the law applicable to the cases under consideration. Abhorrence, however great, of persistent and menacing crime, will not exercise transgression in the courts of the legal rights of the worst offenders. The granting or withholding of bail is not a matter of mere grace or favor. If these writs of error were taken merely for delay, bail should be refused; but, if taken in good faith, on grounds not frivolous but fairly debatable in view of the decisions of the Supreme Court, then petitioners should be admitted to bail.

With courage and in accordance with his religious conscience Butler stood alone in his dissent in the Virginia sterilization case involving a feeble-minded daughter of a feeble-minded mother and herself the mother of a feeble-minded illegitimate child who fought sterilization under a carefully drawn act as a violation of the due process and equal protection of the laws as guaranteed by the Fourteenth Amendment against excessive police power of the state. Here he stood like Chief Justice Marshall's good judge, "completely independent with nothing to influence and control him but God and his conscience." He rather enjoyed Holmes's observation that Butler was wrestling with his conscience and his dry announcement of the decision: "Three generations of imbeciles are enough. Justice Butler dissents."<sup>75</sup>

It was the same conscientious belief in the integrity of the family and adherence to the code of personal morality which

<sup>74</sup> *U.S. v. Mottow*, 10 F. 2nd, 657.

<sup>75</sup> *Buck v. Bell*, 274 U.S. 200, 1927. See *Time*, Nov. 27, 1939. For the worst possible and biased note on this decision and for Butler in general see *Nine Old Men* (1937) [once so useful in the packing attack upon the Supreme Court] by Drew Pearson and R. S. Allen.

caused his vigorous dissent to the Court's ruling as read by Justice Roberts that extra-marital relations of an unmarried Danish woman with a married man were not immoral within the condemnation of the immigration laws and hence that she should have her writ of habeas corpus and not be deported.<sup>76</sup> To a man of Butler's rigid personal morality incidental concubinage of an alien came within the exclusion regulations which would be difficult or impossible of enforcement if the immoral life must be proven dominant rather than subordinate to the legitimate calling.

In the case of two Methodist students who alleged religious and conscientious opposition to military service for their refusal to take military drill at the University of California, a land-grant college which made this course compulsory, and who had lost their appeal for their "civil rights" in the upper court of California, Butler held that the regulation of the university was within the military and political power of the state and that there had been no violation of the Fourteenth Amendment as the privilege of attendance at the university was a benefaction of the state and not a right incidental to United States citizenship.<sup>77</sup> Again there was the college regent speaking authoritatively if not the states-rights man when Butler with McReynolds dissented from the majority who decided that the Federal Government could tax receipts from athletic contests conducted by colleges as such professionalized athletics were not intimately within the college's work or the state's interest.<sup>78</sup>

With McReynolds, Butler dissented in the Lloyd Gaines Case<sup>79</sup> in which Chief Justice Hughes for the Court found that the Negro applicant was denied protection guaranteed by the Fourteenth Amendment when he, duly qualified academically, was not admitted to the Law School of his State University of

<sup>76</sup> *Hansen v. Haff, Acting Commissioner of Immigration*, 291 U.S. 599, 1934.

<sup>77</sup> 219 Cal. 663; *Hamilton v. University of California*, 293 U.S. 245, 1934.

<sup>78</sup> *Allen, Collector of Internal Revenue v. Regents of the University of Georgia*, 304 U.S. 439, 1938.

<sup>79</sup> *Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri*, 305 U.S. 337, 1938. Because of his connection with the background of this case and his status as a beneficiary of state aid on the basis of the decision, one of my colored students, Charles S. Holloway, compiled an interesting masters' essay on "The Fourteenth Amendment and Negro Education" (1942). See *Cumming v. Richmond County Board of Education*, 175 U.S. 528, 1899, and *Gong Lum v. Rice*, 275 U.S. 78, 1927.

Missouri, although admittedly it was highly desirable to study law in his own state. Not without interest to educators, McReynolds followed Justice Harlan in the old Cumming case that:

The education of the people in schools maintained by state taxation is a matter belonging to the respective States, and any interference on the part of the Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the supreme law of the land.

And, he found defensive strength in Chief Justice Taft's observation that, "The right and power of the state to regulate the method of providing for the education of its youth at public expense is clear."

While Butler stood firmly on the right of a man or a corporation to contract, he was quite aware that even this liberty was not absolute in the face of governmental or sovereign rights. In *Highland v. Russell Car and Snowplow Company*,<sup>80</sup> in which the plaintiff sought more than the contracted price for coal as an intervening agreement between operators and miners had increased the cost of coal per ton over the price fixed by the President in pursuance of the Lever Act of 1917. Appealing from the adverse decisions of the Pennsylvania Courts on the grounds of due process and limited liberty of contract, the plaintiff found no solace in Butler's decision as read for the Court:

The right of people to enter into and carry out contracts in regard to their property and private affairs is protected by the due process clause of the Fifth and the Fourteenth Amendments. It is also well-established by the decisions of the Supreme Court that such liberty is not absolute or universal, and that Congress may regulate the making and performance of such contracts whenever reasonably necessary to effect any of the great purposes for which the national government was created. Under the Constitution and subject to the safeguards there set for the protection of life, liberty and property, the Congress and the President exert the war power of the nation and they have wide discretion as to the means to be employed successfully to carry on. The principal purpose of the Lever Act was to enable the President to provide fuel, food, and other things necessary to prosecute the war without exposing the government to unreasonable exactions. The fixing of just prices was calculated to serve the convenience of producers and dealers as well as of consumers of coal needed

<sup>80</sup> 279 U.S. 253, 1929.



to carry on the war. As it does not appear that plaintiff would have been entitled to more if his coal had been requisitioned, the Act and orders will be deemed to have deprived him only of the right or opportunity by negotiation to obtain more than his coal was worth. Such an exaction would have increased the cost of the snow plows and other railroad equipment being manufactured by the defendant, and, therefore, would have been directly opposed to the interest of the government. As applied to the coal in question, the statute and executive orders were not so clearly unreasonable and allowable as to require them to be held repugnant to the due process clause of the Fifth Amendment.

The property right of an individual to engage in his lawful calling, Justice Butler would uphold at all costs under one of the due-process clauses in his revered Constitution. For instance in *O'Gorman and Young v. Hartford Insurance Company*,<sup>81</sup> he found limitations on the power of government to regulate a business:

Also it must be accepted as settled that the right to regulate a business does not necessarily imply power to fix the scale for services therein or to trespass on the duties of private management. . . . In order to justify the denial of the right to make private contracts, some special circumstance sufficient to indicate the necessity therefor must be shown by the party relying upon the denial.

A Wisconsin statute he could not find constitutional as it resulted in a curious circumstance where union tile layers were empowered to force Senn, a non-union layer who was contracting for jobs for himself and employing union tile setters, from actually working for himself. Apparently as a petty contractor, he could not be a unionist so that in his case protective labor legislation became destructive of his inherent right to work.<sup>82</sup>

RICHARD J. PURCELL.

<sup>81</sup> 282 U.S. 251, 1931.

<sup>82</sup> *Senn v. Tile Layers Union*, 301 U.S. 468, 1937.

## RANK AND TENURE IN CATHOLIC COLLEGE LIBRARIES

A few moments' reflection upon rank and tenure in Catholic college libraries suggests a whole series of questions. Take first and simply the matter of status. What precisely do we understand by rank or status? Is faculty status desirable as an end in itself or is it more important as a means to a greater end? In other words, is such status to be granted because the librarian thinks he deserves it or the profession of librarianship merits it, or is it to be sought because it will result in improved service to the educational system? How is such status to be determined or measured? Is the librarian to be recognized as a representative of a profession equivalent to the actual teaching profession and hence granted status strictly as a librarian, or is he to be ranked with the faculty because of his personal contribution to the teaching process? How is such status definitely to be indicated? By mere declaration of the head of the institution? By active participation in faculty meetings and committees? By equivalent salary or presence in academic processions? Is actual status to be measured against the scale of faculty rank? What, from a practical standpoint, is the best means of obtaining desired status for college librarians? In the question of status, is there a problem peculiar to librarians in Catholic colleges? What is the situation in colleges today? And so we could go on thus indicating the problem.

There is neither time nor do I claim the ability to find answers to all these and other questions relative to the status of the college librarian. Rather let us give consideration to the manner of obtaining status and what that status ought to be. We take rank or status here to mean the relative position of the librarian in the personnel of the college.

This problem, though not new, is still comparatively young. It seems only in rather recent years that librarianship as a profession has doffed the garments of the babe and donned the attire of the adolescent. Not long ago, and the condition still remains in many cases, the librarian was looked upon primarily as an administrative officer—one especially trained in the rather simple routines, so it was thought, involved in storing books and

knowing where to find them when needed. We are only now seeing the transition to a recognition that he is much more than this—that he is in fact exercising an important teaching function. Since all this is so comparatively new, we cannot be surprised or discouraged if due appreciation of librarian status is slow in coming. As Charles E. Rush states in his contribution "The Librarian of the Future" to the symposium "The Library of Tomorrow": "Each new profession must for a time endure the barbed criticisms of other professional groups while struggling for scholarly recognition and imaginary levels of respectability. For librarians this struggle has been peculiarly difficult. . . ." <sup>1</sup> Perhaps we should rather take encouragement in the fact that such recognition is definitely on the way. It comes now within the sphere of our endeavors to lend every encouragement to this progress.

And how are we best to do this? What means do we have for bringing about the desired end? The answer to this question, it seems to me, is fundamentally this: librarians will secure for themselves faculty status or its equivalent when by the level of their scholarship and the efficacy of their assistance they will have convinced educators that they are making a *distinct* and *direct* contribution to the educational function of the institution. I say *direct* contribution advisedly in order to distinguish it carefully from that made by clerks, secretaries, and even janitors, with all of whom librarians are often compared.

Thus considered, it is not so much a case of whether librarians want status, as if the motive were personal or even selfish. Rather educators must be made to recognize that the librarian deserves status because of his growing function as a teacher in the educational system, and that only by such recognition can he exercise that function with the greatest benefit to the institution. When librarians have made it more evident by their cooperation and participation with the faculty in effective teaching and research, thus convincing the faculty that the college librarian as such has an important and distinct contribution to make toward realizing the aims of the institution, then the question of status will take care of itself. For then it will be obvious that where status does not obtain it is the institution

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<sup>1</sup> *The Library of Tomorrow*. A symposium, ed. by Emily M. Danton, Chicago, American Library Association, 1939, p. 99.

itself that stands to suffer. This has been well stated by Guy E. Snively, executive secretary of the Association of American Colleges and himself a college president, in an address a few years ago before a joint meeting of the College and Reference Section and the College Library Advisory board of the American Library Association: "The college librarian can do much to prevent the maximum contribution to the teaching program of the college if he does not have the thorough appreciation of the responsibility of his position as a teacher. Fatal to the idea I have in mind would be a librarian who looks upon his position solely as an administrative one."<sup>2</sup>

We must convince administrators and educators that the same results will flow from their failure to appreciate the librarian's position as a teacher.

An editorial in the *Clearing House* for April, 1938, has this to say pertinent to this question: "A librarian is a teacher. A clerk is less competent to serve as librarian than as teacher of chemistry. There is no phase of educational service that requires a higher measure of professional competence than librarianship. When every plumber is considered competent to perform the specialized functions of a surgeon, a clerk may take over the librarian's position and save money for the taxpayers."<sup>3</sup>

If the college librarian properly understands and fulfills the functions of his position, it should not be difficult to make educators see this close relationship between themselves and the librarian. In fact, the growing tendency of regarding the library as a vital center of the college educational program should automatically increase the appreciation of the teacher-role of the librarian. It should tend to an increased appreciation of the fact that by careful assistance to the strictly educational pursuits of students; by observation and guidance of study trends and application; by adequate provision for the availability of book-tools of learning; by personal research and bibliographical collaboration with the research efforts of the teaching staff; by notification of faculty members of special articles, reviews or books related to their field and not otherwise likely to come to their notice; by effective anticipation of new trends in institutional aims and procedures—by all these and more, the competent librarian deserves by his very position status equivalent

<sup>2</sup> *School and Society*, v. 46, No. 1178, July 24, 1937, p. 103.

<sup>3</sup> *The Clearing House*, v. 12, No. 8, April, 1938, p. 496.



to the faculty. In fact, so important is this to the institution that something of the scholarly effectiveness of the general instructional effort is lost where such status is not recognized. This aspect, it would seem, is fundamental to the whole consideration of status, and hence it is this aspect, viz., the importance of status to the institution, that ought to be stressed.

This becomes clearer from an answer to the question: What should be the status of the librarian? And the answer to that question should also be formulated from the angle of benefit to the institution served. Thus it will be seen that it is not so important that the librarian hold the rank of dean, or professor, or instructor, be listed in the faculty roster of the catalog, be given equivalent salary, or be permitted to walk in the academic processions. These are rather indications that some recognition of status has been made. What is important for institutions of learning and for the profession of librarianship is that the librarian be given such rank or respect which will permit him equal voice in faculty meetings, on faculty committees and particularly, perhaps, on the educational council or policies committee so that he can make to the general welfare of the institution the contribution of which he must be capable. If it is important for him, as it surely is, to implement effectively the instructional program, then it is likewise important that he be granted such status. For how else shall he exercise this function? It is this idea that Harvie Branscomb seemed to have in mind when he wrote in "Teaching with Books":

The objective desired is a contact or association which will result in natural discussion and a common understanding of mutual problems. The personality, educational interest, and scholarly outlook of the librarian will have more to do with getting this done than any other factor. But there are administrative ways in which the matter can be facilitated. It seems evident that the librarian should be a member of the faculty, if any educational responsibility is expected of him. It is not the title "professor" that is important, but his membership in the body which discusses and determines matters of curriculum. There are certain committees of the faculty on which the librarian might serve, both for his contribution and for the increased effectiveness of the library's service which would result.\*

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\*Branscomb, Harvie, *Teaching with Books*, Chicago, American Library Association, 1940, pp. 96-97.

Robert W. McEwen, librarian of Carleton College, makes the point somewhat less clearly in the June, 1942, issue of *College and Research Libraries*, when in answer to the question: "What status do college librarians want?" he answers: "Primarily they want status, any satisfactory status. They are concerned about it because their situation makes difficult any wide recognition of their specialized function. . . ." Incidentally, at the College Libraries section of the Association of Colleges and Reference Libraries meeting, Tuesday, June 23, 1942, Dr. Carter Davidson, president of Knox College, states very frankly: "The librarian should serve as a member of the curriculum committee."

On this subject of status, we have been forced to leave many questions unanswered. For example, we have said nothing about the problem specific to Catholic colleges. However, it seems that the considerations we have made are readily applicable to all institutions of higher learning and need no special application to particular types.

To sum up, then, college librarians should be interested in that recognition or respect which will afford them an opportunity of making full and adequate contribution to the educational process of which they are a part and which they are to serve.

#### TENURE

As a result of a survey made of one hundred representative colleges, fifty of which were non-Catholic and fifty Catholic, replies were received from about 67 per cent. While the results of this survey are not entirely accurate, certain conclusions seem warranted. Particularly is it noteworthy that Catholic institutions seem to lag considerably behind the non-Catholic, both publicly and privately operated, in making provision for a definitely stated policy of tenure. This applies to the teaching staff as well as to the librarian, for the figures in each case are about the same. We are concerned here, of course, only with secular members of the staff in Catholic institutions.

It was found that while only about 23 per cent of the Catholic colleges reporting have a definite policy of tenure for the librarian, about 68 per cent of the other institutions have such provision. The figures reported are practically the same for the teach-

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\* McEwen, Robert W., "The Status of College Librarians," *In College and Research Libraries*, vol. III, No. 3 (June, 1942), p. 257.

ing staff. Again, while only about 6 per cent of Catholic colleges have made some provision for retirement insurance, 63 per cent of non-Catholic institutions have made some such provision.

Whatever these figures mean, it seems clear we can deduce that much needs to be done in Catholic colleges to insure a certain stability of employment to its secular workers. We fear that in too many cases such institutions, by a rather ruthless system of simple expediency, work a definite injury to the institution's efficiency and do harm, if not actual injustice, to those involved. For this system without policy of tenure may make the profession of librarianship unattractive to able candidates; it may tend to stifle initiative; it may preclude the inauguration of far-reaching and permanent changes in routines and policies; it may result in unemployment and economic instability for those in the profession. These are a few of the evils which can easily result from want of a definite policy with regards to tenure.

In the Report of the Commission on Academic Freedom and Academic Tenure of the Association of American Colleges we read that a sufficient degree of economic security, or tenure, is necessary to make the profession attractive to men and women of ability. "Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society."\* Although this report has reference to the teaching profession as such, its conclusions are just as applicable to representatives of the profession of librarianship.

In summary, then, it is clear that our Catholic colleges, and all educational institutions for that matter, should adopt some definite policy of tenure for librarians. Such policy should make provision for a probationary period precisely stated in writing, after which tenure is to be permanent—to be terminated only for adequate reason, retirement for age, or extraordinary financial circumstances.

MAX SATORY.

Librarian,  
Saint Mary's College,  
Winona, Minn.

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\*Report of the Commission on Academic Freedom and Academic Tenure, by Henry M. Wriston, in *Association of American Colleges Bulletin*, vol. 26, No. 1 (March, 1940), p. 106.

## CAN A SATISFACTORY GENERAL COURSE BE PRESENTED IN A PRIVATE SECONDARY SCHOOL?

A terminology has developed to identify certain areas, divisions, or types of education. Thus we have the terms—elementary, secondary, and higher education. The scope of this paper is limited entirely to the field of secondary education, using the term secondary education as has been defined by Douglass as "That period in which the emphasis is shifted from the study of the simpler tools of learning and literacy to the use of these tools in acquiring knowledge, interests, skills, and applications in the various major fields of human life and thought."<sup>1</sup> It should be, then, an effective institution for the education of youth and a potent agency in the selection and training of leaders in all walks of life; its scope is as broad as life itself.

Education in general may be considered a reconstruction of experience in which the child plays a prominent role in his own development. This development must be harmonious and ordered, and must include all the powers of both body and mind—"harmonious" in that there is an order of dependence of man's powers, and "ordered" in that nature, age, and individual differences are all important factors. To further the powers of the body and to neglect those of the mind would produce a warped individual and impede the functioning of the other powers. The same would be true in the reverse situation; consequently, education is concerned with the training of the "whole" child, physically, mentally, and morally. This idea is fundamental to the philosophy of Catholic education.

The aims of education should be formulated on the basis of the probable future fields of activities of those being educated. While specialization and limitation are bound to enter many of these fields, there are certain elements which should be common to all. As set forth by the Educational Policies Commission,<sup>2</sup> these objectives are identified as aspects centering around the person himself, his relationships to others in home and com-

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<sup>1</sup>Harl R. Douglass, "Secondary Education for Youth in Modern America," *Report to the American Youth Commission of the American Council on Education* (1937).

<sup>2</sup>*The Purposes of Education in American Democracy*. Educational Policies Commission National Education Association of the United States (1938).



munity, the creation and use of material wealth, and socio-civic activities. They are stated as follows:

1. The Objectives of Self-Realization guaranteeing the right to religious expression in harmony with democratic institutions.
2. The Objectives of Human Relationships training for true democracy through an appreciation of the home.
3. The Objectives of Economic Efficiency showing the universally basic need for consumer education.
4. The Objectives of Civic Responsibility to inculcate an unswerving loyalty to democratic ideals.

Today more than ever before, there is a prodigious development of natural sentiment and a greatly increased consciousness of natural citizenship. We are exhorted on all sides not to neglect our duties as citizens of a human state; more than ever we are urged to put our own full weight into the work of defense of our democratic type of government. Great sacrifices are being asked of us, demands that extend to the supreme sacrifice of life itself. Is there room in the mind and heart of the complete Christian for these social, national and patriotic ideals? Should these be taught in a Christian system of education? Most emphatically yes, for social and civic duties are part of our ethical teaching—but we go further. Christian education maintains that every child possesses the rights of citizenship both in the material aspects of life and in the spiritual. It is convinced that the supernatural forces latent in every soul, under proper training, can perfect human nature and elevate it. As states our late Holy Father, Pius XI, in an encyclical entitled "Christian Education of Youth":

Christian education is the whole aggregate of human life, physical and spiritual, intellectual and moral, individual, domestic and social, not with a view of reducing it in any way, but in order to elevate, regulate and perfect it, in accordance with the example and teaching of Christ.\*

Concisely stated, the four general objectives of Catholic education may be summarized as follows:

1. Religious-Philosophy-of-Life Aim—To give the individual definite principles, guides for conduct, rules by which to live

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\* Pius XI, "Christian Education of Youth," *The Catholic Mind*. New York: The America Press, 1930.

2. Socio-Civic Aim—To prepare the individual as an active citizen, as a corporate member of Society

3. Individual-Avocational Aim—To take into account the individual's different abilities and thus develop in him, in so far as is reasonably possible, his personality and character

4. Economic-Vocational Aim—To prepare the individual as a prospective worker and producer, to participate in activities involving economic efficiency<sup>4</sup>

Keeping in mind these objectives and conscious of our Catholic philosophy of education as already set forth, we face the problem of providing education for students of secondary school age. For years the pros and cons of academic training have been discussed; outstanding educators have studied and perfected the college-entrance curriculum, but what provisions have been made for those who do not fit such a program? The "educationally neglected," Dodds calls them,<sup>5</sup> for they represent the non-college students to whom appropriate educational facilities are not available. Physically and socially they are the equal of the college student, yet, because their aptitudes lie in other fields than those of an academic nature, few educational opportunities are at their disposal; frequently they are even barred from the "milieu" in which they belong, and all this because they are incapable of accepting formal college-preparatory training. According to John C. Huden, this "neglected" group composes the greater percentage of our several million secondary charges.<sup>6</sup> Some remedy is imperative. The initial steps taken in the direction of general education must be continued and advanced. Our democratic way of living provides for such action; our American tradition pre-supposes it; our Christian philosophy necessitates it.

One of the greatest offenders in the past has been the small secondary school where, for various reasons, provision has not been made for curriculum adjustment. Lack of adequate staffing, lack of equipment, lack of sympathy, and a very definite barrier of tradition have helped to make the curriculum static in

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<sup>4</sup>Urban H. Fleege, *Philosophy and Objectives of the Catholic High School*, *The Catholic Educational Review* (December, 1943).

<sup>5</sup>B. L. Dodds, "That All May Learn," *National Association of Secondary School Principals* (November 1939).

<sup>6</sup>John C. Huden, "Adjusting the Curriculum of the Small Secondary School to the Non-College Pupil," *National Association of Secondary School Principals* (April 1941).

many of these small schools. Add to these factors a belief that the non-college pupil is an inferior person, and one has a true picture of conditions as they have existed. The exception to the "small school" rule, however, is the private school where greater freedom is enjoyed and more exploratory courses offered. Small classes and an adequate teaching staff provide for a more careful study of individual interests and special abilities. Training along the line of social aptitudes, particularly in the field of art and home economics, has helped the child attain his fullest development. Yet, because of the immaturity of the experiment, the curriculum is difficult to organize. A satisfactory course has not yet been completed which will provide for individual needs and, at the same time, meet the requirements of a recognized college. For this "General Course" as it is now devised, education ceases with graduation from high school, for the most part. In very recent years, and particularly since our entrance into the war, some colleges are admitting General Course students to certain courses. This fact makes revision of the curriculum desirable for all schools that all may meet these requirements. At Notre Dame of Maryland this revision is in progress—and necessarily so—because the families and pupils with whom the school deals consider the work of the school in general as a preliminary to still further study rather than as a preparation for immediate participation in adult activities.

According to the Maryland State Department of Education, with which the school is affiliated, the following eight constants must be included in all curricula:

<i>Subject</i>	<i>Units</i>
English .....	4
Mathematics .....	1
Social Studies (of which 1 unit is U. S. History).....	2
Science .....	1
	—
Total .....	8

and the general curriculum must have in addition—

<i>Subject</i>	<i>Units</i>
Major sequence .....	3
Minor sequence .....	2
Electives .....	3
	—
Total .....	8

No other specifications are prescribed except: "All subjects ex-

cept English in the list of constants may be counted toward the major and minor sequences, provided a total of sixteen units is earned."†

Conscious of the above requirements and cognizant of the capabilities of the students in question, the following proposed program is offered:

<i>Subject</i>	<i>FIRST YEAR</i>	<i>Unit of Credit</i>
Religion I or Ethics I.....		½
English I.....		1
Mathematics—Designed for Social Living.....		1
Social Studies: World History I.....		1
General Science.....		1
* Related Arts and Crafts.....		½
* Instrumental Music.....		½
Vocal Music.....		¾
Swimming .....		¾
Physical Training.....		¾
<i>SECOND YEAR</i>		
Religion II or Ethics II.....		½
English II.....		1
Social Studies: World History II or Civics.....		1
Science: Biology.....		1
Home Economics: Clothing.....		1
* Related Arts and Crafts.....		½
* Instrumental Music.....		½
Vocal Music.....		¾
Swimming .....		¾
Physical Training.....		¾
<i>THIRD YEAR</i>		
Religion III or Ethics III.....		½
English III.....		1
Science: Health, Personal and Public Hygiene.....		1
Home Economics: Foods.....		1
* Modern Language I: French or Spanish.....		1
* Typing for Personal Use.....		1
* Related Arts and Crafts.....		½
* Instrumental Music.....		½
Vocal Music.....		¾
Swimming .....		¾
Physical Training.....		¾

\* Electives

† *Standards for Maryland County High Schools*. State Department of Education, Baltimore, Maryland (September, 1935).



## FOURTH YEAR

<i>Subject</i>	<i>Unit of Credit</i>
Religion IV or Ethics IV.....	$\frac{1}{2}$
English IV.....	1
Social Studies: American History.....	1
Home Economics: Home Management.....	1
* Modern Language II: French or Spanish.....	1
* Dramatics: Play Preparation and Production.....	1
* Related Arts and Crafts.....	$\frac{1}{2}$
Instrumental Music.....	$\frac{1}{2}$
Vocal Music.....	$\frac{1}{4}$
Swimming .....	$\frac{1}{4}$
Physical Training.....	$\frac{1}{4}$

It will be noted that the above course fulfills the requirements set forth by the Education Department of Maryland, as four units in English are offered, one unit in Mathematics, three units in Social Studies and two units in Science. Home Economics is the major sequence offering Clothing, Foods, and Home Management; the minor sequence, however, may be chosen by the student according to his interests from among social studies, science, music, or art. All subjects place an emphasis on social living and as far as possible correlate with one another; furthermore, they are planned to meet the student's needs socially, culturally, and educationally. Since this course, then, emphasizes Social Studies (and related subjects) as well as Science (Domestic and Natural), it might well be termed "Social-Scientific," thus relieving the students of the stigma attached to the name "General Course." And so it is hoped that the Social-Scientific Course will meet the striking changes in our social and economic life. In this way, the private secondary school will assume its responsibility for the long-time welfare of its students, place right emphasis on their individual needs, and provide for the development of their total personalities.

SISTER MARY VIRGINIA, S.S.N.D.

Principal, Notre Dame of Maryland High School,  
Baltimore, Md.

## THE CASE OF THE INVISIBLE FOE

Once upon a time, a little more than a hundred years ago, the first chapter of a dark drama began to write itself in a tiny village in Germany. The only son of a simple German woman was suddenly stricken with a paralysis which withered his legs—made him frail and weak, crippled him for life. As a last hope, he was taken to the most outstanding bone specialist in Stuttgart. His family hoped that at last the boy's bones might be made straight and healthy again. But, alas, the great specialist, Dr. Jacob Heine, found that the disease which had gripped the child so mysteriously had nothing to do with the bones, but was a *weakening of the muscles, a result of damaged, or dead nerve cells*. He was powerless to help the boy. What was this strange enemy striking out from nowhere?

It was almost fifty years later before the great Dr. Heine's theory was given the supreme test. It was in 1887 when a malady broke out in an epidemic in Stockholm, Sweden. Forty-four cases in six months—the first outbreak of its kind in recorded history. At the University of Stockholm, Professor Medin conducted autopsies and carefully noted his facts and evidence.

"This disease definitely attacks the nervous system, starting in the brain. It is infectious and may occur in epidemics."

In 1905, infantile paralysis struck Sweden a second time within a generation in a great epidemic which swept the country. Dr. Ivar Wickman, pupil and successor to Professor Medin, examined 1,025 cases and built up a magnificent file of data. He found through experience with simple folk in the country that children, even though they were isolated from the stricken child in a family, suddenly became ill as well.

After questioning the parents, he found that many had visited the other children and had undoubtedly acted as carriers of the disease though they themselves were not ill.

Still in the dark as to the cause of the dread malady, which Wickman named the "Heine-Medin disease," it was a step forward to know it could be spread by contact from one person to another. If this was the case, science argued, the cause must be a microbe, a germ thus far unknown. The struggle must begin in the laboratory.

In 1908, at the University of Vienna, Dr. Karl Landsteiner

and his assistant, Dr. Popper, began experiments to track down the microbe which was eluding them, yet causing so much tragedy. Emulsions were obtained from the spinal column of children who had died shortly after contracting the disease. This emulsion was injected into ordinary experimental animals such as guinea pigs, rabbits and mice, and nothing happened—the results were negative. Were the nervous systems of these animals not sufficiently complex to simulate activity of the human mechanism? They did not know.

Baboons and monkeys were then used. The doctors injected the paralysis emulsion into the animals and awaited the results. Within the week their efforts were rewarded. The baboon died of infantile paralysis and the monkey developed the symptoms of complete paralysis. At last infantile paralysis was captured in the laboratory, and now could be produced at will for experimental purposes and study of all phases of the infection.

Dr. Simon Flexner and Dr. Paul Lewis of the Rockefeller Institute carried on from this important forward step and examined the brains and spinal columns of these infected animals. They discovered a positive inflammation of the nerve tissues which they decided was caused by a living organism. And though other scientists had thought bacterial action to be present, no bacteria could be found under the microscope.

Drs. Lewis and Flexner filtered all bacteria out of the emulsion, yet the monkeys were continuously affected. The infecting agent of poliomyelitis must belong to the class of minute and filtrable viruses, living organisms too small to be seen by the most powerful microscopes then available.

Back in Vienna, Dr. Landsteiner in 1911, keeping abreast of all developments in infantile paralysis research, watched every change and reaction in the monkeys with which he was experimenting.

"How," pondered the doctor, "is the virus transmitted from one person to another? If there are no cuts or bruises or anything of that nature, the virus must leave the infected body through some natural, normal opening present in the normal individual."

His experiments resulting from this bit of pondering proved that it was not necessary to take an emulsion from the spinal column or brain in order to infect another monkey, but the very nasal secretion of a sick animal contained sufficient virus to infect healthy monkeys and wither their bodies with paralysis.

Tests of every nature were carried on constantly. Most of them, like all the steps made forward in attempts to conquer their disease, were valuable in a negative sense. Doctors and scientists knew much more about treatments and experiments that would *not* work and which did not produce results, than they did about positive reactions. The sinister virus, as well as the cure of poliomyelitis, was still a dark mystery just beginning to be driven into the light.

Science continued its fight in the laboratory unceasingly. So little was known—they had such dubious weapons to combat even single cases of infantile paralysis. And then disaster struck out at the lives and limbs of thousands of children in one great epidemic here in our own country.

It was the hot summer of 1916. In New York, untold numbers of children became upset, irritable, feverish, drowsy and head-achy. Mothers went into the child's room to find that he couldn't move his legs or arms or couldn't raise his head, or couldn't talk or even swallow. Panic swept the city of New York; in fact, the whole eastern seaboard suffered the worst epidemic to date. Even today the total number of fatalities has never been equalled.

Doctors worked with demon zeal, trying every known treatment they could to relieve the epidemic sufferers. There was no checking the spread of disease. Every precaution was taken to keep children and adults alike away from crowded beaches, away from strangers and busy places. Yet, often, far away on some isolated, secluded farm, a child would be stricken suddenly with the dread disease from out of nowhere. Terror, as yet unforgotten, filled the hearts of all America during the menacing, lush heat of the summer of 1916.

Then, again in 1931, a fearful epidemic of infantile paralysis struck the city of New York a second time, on the first day of August. With pleading eyes the populace cried out, "Don't let this be another tragedy like that of 1916. Don't allow this disease to leave the twisted wrecks of human lives, like flootsam, in its wake." Comparatively large scale attempts were made during this epidemic to immunize and speed the recovery of those already stricken by injecting victims with the blood of convalescing patients who had built up a resistance. But the results of this attempt to speed the recovery of those stricken were far from gratifying. Was this another failure of science? No, there are no failures in scientific research. Each event stimu-



lates further research to gain new knowledge of the dread disease.

Science knew that the virus leaves the sick body through the nose and other normal passage exits. But how does it enter the body? By means of the nose as well? In 1934, Drs. Edwin W. Schultz and Louis Gebhart of Stanford University executed with success operations to verify or disprove this theory. They severed the olfactory nerve of an anesthetized monkey, the nerve leading from the nasal passage to the brain, thus breaking the direct pathway from the nose to the brain, a perfect pathway for the virus of poliomyelitis to reach the brain nerve centers and the spinal column. With this pathway broken, or removed, they felt there was no route open for the virus to enter the brain. The results were overwhelmingly favorable. The first 15 monkeys, with the olfactory nerves not cut, all were paralyzed. But those 15 monkeys whose nerves were severed were all normal and had not contracted the disease.

Scientists all over the country began to look for some chemical composition which would block the pathway of the virus in the nose before it could enter the brain.

Test after test, using innumerable different chemicals, were made. Only the presence of a real epidemic would reveal the worth of those results so apparently successful in the laboratory.

In 1937, an epidemic of infantile paralysis broke out in Toronto, Canada. A test was made, using zinc sulphate as a nasal spray to block the entrance of virus. The results after spraying 5,000 children, as against 6,000 children not administered the nasal spray, revealed an almost negligible difference.

Another failure? Had the Toronto experiment failed because zinc sulphate was the wrong chemical for the nasal spray? Or was there a more fundamental error? Was it perhaps that nasal transmission of infantile paralysis had received too much emphasis—that there might also be another means by which poliomyelitis was carried from person to person? In 1938, Dr. John A. Toomey of Western Reserve University revealed, after assiduous research, that it was possible that the emphasis on the nasal spread of poliomyelitis was too great, that the disease is sometimes spread through the gastro-intestinal tract. A failure of one sort meant only a greater challenge for further research.

One thing was certain—that coordinated, concerted action

was needed to throw full weight into this battle to conquer poliomyelitis.

On September 25, 1937, President Roosevelt declared when commenting on the organization of a new foundation to do just that thing:

... The general purpose of the new foundation will be to lead, direct and unify the fight on every phase of this sickness. It will make every effort to ensure that every responsible research agency in this country is adequately financed to carry on investigations into the cause of infantile paralysis and the methods by which it may be prevented. It will endeavor to eliminate much of the needless after-effects of this disease-wreckage caused by the failure to make early and accurate diagnosis of its presence.

... The new foundation will carry on a broad-gauged educational campaign, prepared under expert medical supervision, and this will be placed within the reach of the doctors and the hospitals of the country.

... And then there is also the tremendous problem as to what is to be done with those hundreds of thousands, already ruined by the after-effects of this affliction. To investigate, to study, to develop every medical possibility of enabling those so afflicted to become economically independent in their local communities will be one of the chief aims of the new foundation.

This was the original blue print, and on January 3, 1938, a non-profit organization, The National Foundation for Infantile Paralysis, was formed under the sponsorship of the President to forward a concerted action on all fronts of the attack on infantile paralysis, including the cause, spread and prevention and the treatment of this disease.

The Foundation, which is an American institution supported by the American people, has no connection with any organization other than its own local Chapters. It has grown by leaps and bounds since the eventful day in 1938. To date there are about 3,000 Chapters serving 3,070 Counties in the United States.

The Chapters, which retain 50 per cent of money they raise during the campaign, are manned by the chairman and other volunteer workers who serve on a year round basis. Their constant enthusiasm and skill in meeting community problems are responsible for the rapid advance of the National Foundation's field program.

The Chapters assist those afflicted with infantile paralysis regardless of age, race, color or creed in the area they serve. This assistance includes providing orthopedic equipment, training of

personnel, and financial assistance for payment of hospital expenses for patients in need of that care. During epidemics the volunteer workers not only aid those stricken by the disease but also work with doctors and public health officials.

But it is not only the volunteer workers, the doctors and technicians who are your safeguards against infantile paralysis. There is a big job of teaching to be done; a job of educating students to understand the nature of the disease. Teaching the recognition of symptoms; informing every one of the availability of material which explains every phase of the disease from theories about it, to methods of treatment. These may be obtained by simply writing to The National Foundation for Infantile Paralysis.\* The part everyone of us can play in allaying the fear of infantile paralysis, as well as learning how to prepare for possible epidemics, must be taught to all.

The national activities of the National Foundation itself, on the other hand, serve to make it a coordinating, educating and grant-making agency and to provide for the first time in our history a means of directing, concentrating and increasing the efforts of all who are working to solve the mysteries of infantile paralysis. To date the efforts of the Foundation are rewarded with such advances as those made by Miss Kenny and her method of treatment and many others.

The requests for financial assistance or grants are studied carefully by Medical Advisory committees consisting of 39 eminent medical authorities. If the project is justified and shows promise of real and valuable results, a grant of the amount of money needed to carry it through is recommended to the Board of Trustees. In 1943, 52 grants were made for worth-while projects.

There is still much to be learned about this dreaded disease; it is not certain how it is spread; there is no known drug to cure it, no accepted method of immunization. The search for answers to these problems may be compared to a gigantic picture puzzle. Research contributes a piece here, a piece there; in time the whole picture will emerge. Until the day—when infantile paralysis is under control—the National Foundation will not cease to bend its efforts to this end.

IRWIN ABELL.

Chairman, General Advisory Medical Committee  
The National Foundation for Infantile Paralysis.

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\* 120 Broadway, New York 5, New York.

## EDUCATIONAL NOTES

### C. U. SUMMER COURSES IN RELIGION

Summer courses in religion of the Catholic University of America, which begin on June 30 and continue for the ensuing six weeks, will attract the attention of all teachers of religion and of superiors of communities, in the expectations of Dr. Roy J. Deferrari, director of the Summer Session for 1944.

"The popularity of these courses in religion," said Dr. Deferrari, "is attested by the fact that in the past students have been attracted in large numbers from New England, the Middle West, the South and also Canada. The Department of Religious Education at the Catholic University aims to supply these teachers with solid content that is adapted to meet present-day currents and thinking. With that aim in view, outstanding leaders from various sections of the country are brought to the University for the Summer Session to add their contribution to those of the regular staff."

The Rev. Dr. Godfrey Diekmann, O.S.B., the editor of *Orate Fratres* of Collegeville, Minn., will give two courses. The first, on the liturgical movement, will emphasize the element of community worship of God through the Mass. The second, on religion content, stressed by the early Fathers, will open up for the student the original sources. All who have followed the liturgical movement know the pioneer work that has been done through *Orate Fratres*.

In previous summers much interest has been aroused by the course offered by Father Jean C. de Menasce. A convert from Judaism, Father Menasce has become a vivacious exponent of the doctrine of the Mystical Body, and gives a course in the same subject. Educated in Paris and Rome and attached to the latter diocese, Father Menasce came under the Jewish exclusion law and has been doing parochial work in this country for the last four years. His articles in Catholic publications have attracted wide attention.

Dr. Jerome D. Hannan, of the University's School of Canon Law faculty, is a former teacher of religion and co-author of the very popular Bible and Church histories. He is to present a course for religious in Canon Law which will stress the mind of



the Church in the religious formation of novices. This course will be especially valuable for all superiors of communities.

From the regular staff of the Department of Religious Education, special courses will also be offered. The Rev. Dr. George B. Stratemeier, O.P., will conduct a course on the doctrinal truths to be stressed in college. Dr. William H. Russell will give a new course in high school religion, stressing the aim, content and method proper in this field. Dr. Gerald A. Ryan will offer, for graduate students only, a course in religious guidance which connects with religion the most recent findings in mental hygiene and psychiatry.

Registration days have been set for June 30th and July 1st at Room 102 McMahon Hall, on the Catholic University campus, and a High Mass will be sung in the National Shrine of the Immaculate Conception on July 2nd, followed on July 3rd with the beginning of lectures and classes.

#### MOTION PICTURES IN EDUCATION

The Commission on Motion Pictures in Education, recently organized under a grant from the motion picture industry to develop a program for the more effective use of motion pictures in education particularly as applied to post-war needs, met to determine further matters of policy and procedure. Dr. Mark A. May of Yale University is Chairman of the Commission. The other members, all of whom were present, are: Dr. Edmund E. Day, President, Cornell University; Dr. George Counts, Director of the Division of Foundations of Education, Teachers College, Columbia University; Dr. George Zook, President of the American Council on Education; Monsignor George Johnson, Secretary General of the National Catholic Educational Association; Dr. Willard E. Givens, Executive Secretary of the National Education Association.

An important item of business was the selection of an additional member of the Commission appointed from the public school field. Dr. A. L. Threlkeld, Superintendent of Schools at Montclair, N. J., was named to fill this position.

According to a statement released by the Chairman, the Commission determined that its first task will be (1) to study the opportunity of education with special reference to the post-war world and (2) to study curriculum materials relevant to these

needs organized and presented in form from which scripts for films can be prepared.

The Commission recognized new emphases, new purposes and new opportunities will appear in education in the years immediately ahead and that the work of the schools may properly be influenced by the experience of the Army and Navy in their war training programs. Much of this experience will be available to education not only in the form of finished films but in the service of a large number of people trained in the use of films in education and training.

The Commission recognizes that it is impossible to determine in detail what new emphases and opportunities of education will follow the war, but it is already apparent that there will be shifts in educational objectives and types of instructional material to be used. The newer interests will include a greater emphasis on global geography and on the daily lives of people of other nations. Students will need to know how science, invention and modern technology are operating to change the lives of people even in the remote quarters of the world and how these modern developments operate to utilize the physical resources of the earth creating new problems in social and economic adjustment. School curriculum will be focused on problems of democracy including not only the rights and liberties of citizenship, but also the obligations which are involved. The basic struggle for human freedom will continue but concrete issues of new problems will appear in new settings.

According to Dr. May's statement, the Commission proposes to study these questions and to collect curriculum materials relevant to them. A special search will be made for materials which will lend themselves to filming. A start will be made by developing materials for series of films in the fields of global geography, the impact of science and invention on modern life and the problems of democracy in relation to the future. Other series will be added later.

Dr. May says:

"The procedure of the Commission will be in some respects similar to the procedures used by the armed forces in the development of their training films. First, the study of the work to be done, the job for which men are to be trained. This is followed by the preparation of the content material on the basis

of which scripts are written and films produced. In like manner we propose to study, first, the major purposes and objectives of education, things which children should be trained to do and understand; then, select materials that will achieve these ends, emphasizing materials that lend themselves to filming.

"As these materials are developed, they will be made generally available to the public and to all production companies in the hope that many of them will be filmed. The Commission itself will not attempt any production. Its main work has already been indicated as that of defining as clearly as possible educational objectives and opportunities to be reached by the use of motion pictures and to collect and organize types of curriculum materials that are relevant to these objectives. This service will be provided for a period of five years, after which time it is impossible now to foresee what the demands for its continuance may or may not be.

"The Commission believes that educational teaching films of the future must be classified not only according to the parts of the curriculum to which they apply, but also must be classified to their functions in education. There are at least three types of films: First, films which demonstrate a skill and might be called a demonstrator film; a second type is the film prepared to present what the student needs to know but does not demonstrate what he must do. This might be called the informational film. The third type has been called the incentive film and has as its purpose to motivate attitudes into action. It will have as its main purpose to motivate the student to study.

"A fourth type of film may also develop into wide use in the form of films which raise questions for discussion and might be termed provocative films. The educational field recognizes that these four jobs need to be done and should recognize that four types of films are essential for a comprehensive program."

The Commission has begun and is proceeding with the development of a Board of Consultants selected on a nation-wide basis and composed of leading citizens who are interested in education, including technical experts in visual education as well as experts in curriculum construction.

#### DEFERMENT OF PRE-THEOLOGICAL STUDENTS

Action taken by the National Headquarters of Selective Service whereby draft deferments are extended to all pre-theological students, whether or not they are making their studies in recognized divinity schools, brought an expression of gratification from the Rt. Rev. Msgr. Michael J. Ready, General Secretary of the National Catholic Welfare Conference.

"The new regulations concerning pre-theological students offer another evidence of the Selective Service's fair consideration for students for the ministry," Monsignor Ready said. "I still feel that the churches would have had better recognition in the law if Protestant groups had joined with us in making our needs known to Congress in 1940."

Previous to the new regulations, draft exemptions were given only to those students enrolled in recognized theological or divinity schools. In recent days a group of 23 leaders of Protestant denominations have charged that the draft regulations as they then stood were a "discrimination" in favor of Catholics. This brought prompt refutation from Monsignor Ready, and exception to "unwarranted inferences" in the Protestant declaration was taken in a statement issued at the Military Ordinariate in New York City.

A convention of the Massachusetts Congregational Conference, held in Boston, received a communication from the Rev. Michael J. Ahern, S.J., of Weston College, challenging an assertion made at the convention that the draft regulations favored students for the Catholic priesthood. The Conference then sent a vote of appreciation to Father Ahern and said it was confident no discrimination was intended by the draft law.

The new Selective Service regulations provide that a student who is pursuing a pre-theological course in a school other than a recognized theological or divinity school will be given a 4-D classification.

The regulations further provide, however, that local Selective Service Boards must obtain a statement from a recognized theological or divinity school that the student is pursuing a course of studies to prepare him for admittance.

The local board must also obtain from church authorities that it has need of clergymen and that the student has been accepted as a candidate.

The course the student is taking, the regulations state, must be on a full-time, "accelerated" basis and must be a specific course required by the theological or divinity school. The statement must show the course of study in detail.

#### ALLIED MEETING ON POST-WAR EDUCATION

It has been announced here by the Department of State that the four members of the American delegation to the Conference



of Allied Ministers of Education in London have returned to this country, bringing back an encouraging report of progress toward a cooperative approach to the reestablishment of essential educational and cultural facilities after the war.

Discussions, members of the delegation reported, made clear the threat to civilization created by the destruction of the educational and cultural resources of great parts of the continents of Europe and Asia; the loss of teachers, artists, scientists, and intellectual leaders; the burning of books and pillaging and mutilation of works of art; the rifling of archives and the theft of scientific apparatus.

The American delegation collaborated on two main tasks: first, drafting a tentative plan for a United Nations agency for educational and cultural reconstruction; and secondly, ascertaining the essential emergency educational needs of the war-devastated Allied countries.

The Rt. Rev. Msgr. George Johnson, Director of the Department of Education, National Catholic Welfare Conference, in a recent address before the American Catholic Sociological Society at Trinity College, expressed the hope that the London Conference would ultimately become a United Nations agency for educational and cultural reconstruction.

"Once the countries of Europe are liberated from the control of the enemy," Monsignor Johnson said, "immediate steps must be taken to restore educational facilities. If it is necessary to feed the bodies of their children and young people, it is at the same time necessary to feed their minds. Education is not a luxury that can be dispensed with in times of dire distress. It is most necessary during those times."

#### CATHOLIC SUMMER CAMPS AND SCHOOLS

A list of seventy-six Catholic summer camps, distributed over fourteen states, has been released by the Department of Education of the National Catholic Welfare Conference through the N.C.W.C. News Service. A small number of camps are finding it impossible to operate under wartime conditions which make transportation, the obtaining of food, and the securing of a competent staff very difficult. Nevertheless, the survey made by the Department of Education shows that the great majority of our camps will be in operation for the 1944 season, ready to render service now more important than ever to the youth of

America. Camp St. Maur for boys at Atchison, Kansas, which has been closed for two seasons, is reopening this year; and several of the other camps which have been forced, for one reason or another, to suspend their activities express the determination to open again just as soon as possible. Of the seventy-six camps listed, forty-three are for boys and thirty-three for girls. Copies of the list, which gives the names and addresses of the various camps, dates of the sessions, ages of the campers, approximate rates, and the names of the persons to whom application should be made, may be obtained from the Department of Education, National Catholic Welfare Conference, Washington, D. C.

One hundred and thirty-one Catholic universities, colleges and normal schools have announced they will conduct summer sessions this year. One hundred and one are regular summer sessions, while eight are part of a trimester program. In addition St. Bernard College, St. Bernard, Alabama, is offering a limited number of courses to its seminarians this summer.

Some of the new courses listed are Post-War Economic Problems, Post-War Problems in Elementary Education, Post-War Problems in Secondary Education, War-Time and Post-War Guidance, Current Sociological Trends, Pan-American Economics, and Inter-American Workshop.

#### EFFECTS OF THE WAR UPON COLLEGES, 1943-44

Enrollment of civilian students in universities and colleges has dropped 44 per cent since 1939, a report on "Effects of the War upon Colleges, 1943-44," just published by the U. S. Office of Education, Federal Security Agency, reveals. In 1939, a total of 1,360,493 students were enrolled in comparison to 761,630 attending classes in the fall of 1943.

"College enrollment before 1939-40 usually increased by at least 75,000 to 100,000 every 2 years. Hence this loss of nearly 600,000 civilian students from the 1939-40 total is less than the true loss," the report states. "The extent of the decrease can be appreciated more when it is recalled that the enrollment of all institutions of higher education in 1923-24 was only 823,063. As a result of the decline in nonmilitary college enrollments, the loss to the nation in terms of technical advancement, cultural education, and civic competency has become a problem of the first magnitude."

Publicly controlled colleges and universities lost 51.3 per cent of their enrollments, while private and church colleges lost only 35.7 per cent. The total decrease in men students is estimated at 68.5 per cent. Enrollment of women dropped 7.7 per cent.

The number of persons taking the bachelor's degree has not yet changed a great deal, an estimated 185,740 taking this degree in 1943 as compared with 186,500 who received it in 1940. A decrease of 17,556 men taking this degree during the 3-year period is almost offset by an increase of 16,796 women.

An especially sharp decrease in enrollment of graduate students is noted in the report, the number of these students having dropped from over 100,000 in 1939-40 to 32,063 in the fall of 1943. Approximately one-third fewer students took master's degrees in 1943 than did in 1940. In the earlier year 26,731 earned degrees of this rank, while in 1943, 17,827 did so. However, an increase of 164 or 5 per cent in the number of doctor's degrees occurred.

Teacher-education institutions lost 53.7 per cent of their student enrollment during the 4-year period, nearly all of this loss occurring since 1941. The enrollment of civilian students at schools of this type in the fall of 1943 was estimated at only 72,660.

College faculties declined 5.5 per cent during the last year, with a greater loss in part-time teachers than in those employed full time. An estimated total of 118,125 persons were on college staffs in the fall of 1943.

About 12,530 teachers left the colleges and universities of the country between June and October, 1943. More than 2,600 of these vacancies were still unfilled up to October 15. Some of these fields in which the greatest shortages occurred were: Agriculture, 179 men and 13 women; engineering, 143 men and 89 women; mathematics, 110 men and 120 women; medicine, 204 men and 10 women; and physics, 133 men and 209 women. Thirteen men and 8 women were still needed for professorships in nursing, 5 women in dentistry, and 15 men and 26 women in home economics.

#### SURVEY OF THE FIELD

A Library for Nursing Education will be founded in memory of the Most Rev. John B. Peterson, late Bishop of Manchester,

by the Mt. St. Mary College Guild. The library will be located in a room at the college. There will be a portrait of the late Bishop and a door plate bearing the inscription, "The Bishop Peterson Memorial." . . . Dr. Herbert Wright, professor of international law at the Catholic University of America, was elected a member of the executive council of the American Society of International Law at its annual meeting, held in Washington. Dr. Wright was also elected chairman of the Society's committee on publications for the eleventh consecutive year, and a member of the board of editors of the American Journal of International Law. He also is a member of the Washington committee of the American Political Science Association. . . . The next public school to be built in Boston will be named in honor of the late William Cardinal O'Connell, Archbishop of Boston. This decision has been announced by the School Committee of the City Council. The Council also requested Mayor Tobin to appoint a committee to select a suitable site in Public Garden for the erection of a statue or memorial to the Cardinal. Funds for the monument would be raised by contributions from the children of the public and parochial schools. . . . With the Rev. Gilbert V. Hartke, O.P., head of the speech and drama department of the Catholic University of America, as the active director, a municipal theater is to be established in Washington under the sponsorship of a citizens' committee. A \$100,000 project will be inaugurated this summer with a series of outdoor operettas. In the fall and winter it is planned to offer theatrical productions of all types. The object of the municipal theater is to afford an opportunity for the development of talent among the teen-age college and university groups and government employes, who thus far have been denied the privilege of expressing their acting ability under skilled leadership. . . . The centennial of the telegraph is being celebrated throughout the country this year, with the principal events taking place on May 24 in Washington. The events when Morse sent his first telegram were re-enacted, and the original telegraph key of 1844 used to repeat the historic words. Like the first telegram a century ago, the message was received at a Baltimore and Ohio Railroad station in Baltimore. . . . The Very Rev. V. Stanford, O.S.A., President of Villanova College, has been reelected



secretary and member of the Executive Committee of the American Council on Education. The Council was established in 1918 to unite the educational resources of the nation in time of emergency. It serves as a non-governmental agency for co-ordinating educational resources for a United States at war. The total membership of educational institutions in the Council is 669. . . . Three Catholic high schools for boys in the Archdiocese of Chicago contributed a total of \$8,000 to the general fund of the Society for the Propagation of the Faith. The presentation was made to the Rt. Rev. Magr. James J. Horsburgh, Diocesan Director of the Propagation of the Faith. Topping the list was Mount Carmel High School with \$3,269.55, followed by St. Mel High School, taught by Christian Brothers, with \$2,500, and St. George High School of Evanston, also taught by Christian Brothers, with \$2,306.39. . . . The Rev. Dr. Robert J. White, Dean of Law School at the Catholic University of America, on leave while on active duty as a Navy chaplain, has been promoted to the rank of Captain, he revealed in a letter from "somewhere in Italy." Father White is force chaplain with a fleet and stated "this is the first appointment in the history of the Navy of a Chaplain in the Reserve as Captain." . . . In accepting the privilege extended by the government to have a P-51 Mustang pursuit plane bear the name of "The Flying Cardinal of the Catholic University of America"—in recognition of the purchase of \$85,000 in war bonds by students of the institution—the Rev. Gerald A. Ryan, of the faculty of religious education of the University, noted that "Christianity must ever be at total war, because the church militant will always be fighting for its life—its timely life on earth and its timeless life in eternity." . . . Completion of seventy-five years of teaching on the Pacific Coast by the Brothers of the Christian Schools was observed in San Francisco, along with the Golden Jubilees of three members, on the Feast of St. John Baptist de la Salle, founder of the Christian Brothers. The Most Rev. John J. Mitty, Archbishop of San Francisco, presided at a solemn High Mass offered in St. Mary's Cathedral. Brother Cornelius, Brother Henry, and Brother Arator are the three Religious who have completed fifty years of educational service. Following the direction of Pope Pius IX, who answered the request of Archbishop Joseph Sadoc Alemany, O.P., of San Francisco, the first group of

Christian Brothers came to the Golden Gate City to take over the operation of Saint Mary's College, which was then located on the old Mission Road above what is now Alemany Boulevard. A group of eight Brothers under Brother Justin, first Visitor of the new district and also president of the College, were sent from New York by Brother Patrick, who was the East coast Visitor. They arrived in San Francisco on August 10, 1868, and immediately began their school work in the West. Many schools have been established by the Brothers on the Pacific Coast since that date. Seven institutions in California are now under their direction. St. Mary's College was moved to its present site in Contra Costa County in 1928, where it is now sharing its facilities with one of the four main pre-flight schools of the U. S. Navy. Brother Austin is President. Brother Jasper, whose headquarters are at Mont La Salle, Napa County, is the present Visitor and Provincial of the California Province. . . . The Brothers of the Sacred Heart and pupils of all the schools in the United States conducted by them celebrated "Brother Polycarp Day" on May 6. A Spiritual Bouquet of Holy Masses, Holy Communions, prayers and sacrifices was offered to the Sacred Heart for the early canonization of the Servant of God, Brother Polycarp, S.C., who died on January 9, 1859, and whose cause has been introduced in Rome. Many favors have been attributed to his intercession. Brother Polycarp was the first Superior General of the community. It was he who founded the American Province when, in 1847, at the earnest petition of the Most Rev. Michael Portier, Bishop of Mobile, he sent the first band of Brothers to America. Pupils crowded the school and necessitated the sending of another group of Brothers from the Motherhouse. A novitiate was established and, with the increase of subjects, new foundations were made both in the United States and in the foreign missions. Africa is the mission field assigned to the American Province. Now the community numbers some 3,000 Brothers and candidates who staff approximately 200 establishments. The Order has spread from France to Spain, Italy, Belgium, the United States, Canada, Uruguay, Argentina, Syria, Uganda in British East Africa, Basutoland in South Africa, and Madagascar.

## REVIEWS AND NOTICES

**Literature: A Series of Anthologies.** By E. A. Cross and others. Book One, pp. xii+627. Book Two, pp. xii+627; Book Three, pp. x+694. New York: The Macmillan Co., 1943.

A foreword in the first volume of this series states that *Literature: A Series of Anthologies* provides basic literary material which will enlarge the student's realm of interest, knowledge, and understanding. Because reading is a tool and not an end in itself, we have carefully chosen selections which are not only of highest literary merit but which are related to other secondary school subjects and to the art of living in today's world. The organization of the series permits adaptation to the varied curricula of secondary schools from coast to coast. The entire series consists of seven books. Of these, Books One, Two, and Three are for use in the junior high school, while the remaining four are for the senior high school.

The foreword also states:

"In these volumes the best traditional practices of secondary-school teaching have been combined with recent research contributions to sound, modern education. It is our conviction that relative difficulty in reading depends on four factors: frequency of unfamiliar words, complexity of sentence patterns, familiarity with background material, and appeal of the selection to the individual. Stirring airplane stories are included even though they contain such words as *echelon* and *fuselage*; sea stories have been selected despite their unusual nautical terms. Pupils absorbed in such stories will find out what the unfamiliar expressions mean. The study questions are designed with four goals: thorough understanding of content; appreciation of such technicalities as plot, characterization, and poetic elements; independence of thought and action; and constant broadening of interest and understanding. Stereotyped and purposeless activities—mere academic busywork—have carefully been avoided."

Book One, edited by E. A. Cross and Elizabeth Lehr, contains eight main divisions: Adventure; Pioneers; Animals; Boys and Girls; Men and Women; Art of Living; Joy of Achievement; Beauty and Wonder of Nature. In addition, it contains the complete text of Stevenson's "Treasure Island." The section on adventure includes the following stories: "Ski High," by B. J.

Shute; "Betsy Dowdy's Ride," by Ellis Credle; "A Duel with a Man-Eater," by J. E. Williamson; "God Save the King," by Margaret Widdemer; "The Secret Journey," by Helen F. Fernald and Edwin M. Slocombe; "The Siege of Boonesborough," by James Daugherty; "Stop That Bear!", by George E. Clough. Scattered among these pieces of prose are the following poems: "Books," by Walter de la Mare; "Paul Revere's Ride," by Longfellow; "Fourth of July Ode," by James Russell Lowell; "It Is Too Late," by John Holmes, and "The Pioneer," by Arthur Guiterman. The editors give short notes on these selections and their authors and questions for discussion and investigation based upon the text. At the end of each section questions are asked concerning the various characters met in the stories and poems and a list of titles and authors to be matched is given. The section closes with a list of books on adventure, real and fictional, that will be of further interest to the children using the book.

Book Two, edited by E. A. Cross, Dorothy Dakin, and Helen J. Hanlon, has the following sections: Sharing Great Deeds, America for Me; People, Real and Fancied; Earth, Sky, and Sea; Solving Mysteries; Friends in Fur and Feather; After School Hours; Work and Workers. It also gives the complete text of "As You Like It" and of Felix Salten's "Bambi." Also found in this volume are Longfellow's "Evangeline," Alfred Noyes' "The Highwayman," "Rip Van Winkle," and Browning's "How They Brought the Good News from Ghent."

Book Three, edited by E. A. Cross, Florence M. Meyer, and Emma L. Reppert, is divided into: "On the Starting Line," "Lure of the Unknown," "The Outdoor World," "Give and Take among Friends," "Conquest of the Frontier," "Trails to New Frontiers," "Bridges to Other Worlds," "Rhyme and Rhythm." "The Lady of the Lake," "A Midsummer Night's Dream," and a short novel, "The Flamingo Feather," by Kirk Munroe, are also included.

For the most part the works of prose and poetry that make up these volumes are well chosen. They represent a wide variety of subjects, form, and appeal. One would like, however, to see more of the great and best names in literature represented. Perhaps they appear with comparative rarity in these first three books partly because of the general structure and plan of the books themselves and partly because of the character of the re-



maining four volumes. The titles of these are: Book Four, "Types of Literature"; Book Five, "Heritage of American Literature"; Book Six, "Heritage of British Literature"; Book Seven, "Heritage of World Literature." The volumes in review are sturdily made and attractive in appearance. They are illustrated by Maud and Miska Petersham.

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**The Priesthood in a Changing World**, by John A. O'Brien. Paterson, New Jersey: St. Anthony Guild Press, 1943. Pp. xiv+326.

The second edition of Father O'Brien's book is a revision and enlargement of the original work. The principal addition is Pope Pius XI's encyclical letter on the Catholic priesthood, *Ad Catholici Sacerdotii*. As the bulk of the book is largely unchanged, it will be sufficient here to recall the work's general character and subject-matter. Of its four parts, the first, entitled "Achieving Personal Sanctity," has four chapters: "Ideals of the Priesthood," "The Priest's Struggle for Sanctity," "Sanctification through Work," and "Death Comes for the Priest." The second part, "Fulfilling the Pastoral Ministry," contains "The Ministry of Preaching," "Reaching the Other Sheep" and "The Instruction of Converts." The third part, "Following the Drifters," contains "Stemming the Leakage," "Professional Hazards," "Organizing to Follow the Drifters," and "The Church and Birth Control." The fourth part is called "Enlarging the Church's Influence" and contains the following chapters: "Catholics and Scholarships," "Catholics on University Faculties," and "Catholics and Cultural Leadership." Father O'Brien's book contains a large amount of matter that is instructive and stimulating and presented in a clear and interesting manner. It is hoped that the work will continue to find a wide circle of readers in this new edition.

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**Gilbert Keith Chesterton**, by Maisie Ward. New York: Sheed and Ward, 1943. Pp. xv+685. \$4.50.

This life of Chesterton could not fail to be an absorbing volume. As a man, the author's subject is one of the most extraor-

dinary figures in English literary history; as a writer, there are few to equal the range and brilliance of his talents. In addition to her own abilities as a writer, Mrs. Sheed has had unique opportunities to acquire the knowledge of Chesterton's mind and life that is necessary for a genuine biography. Her sources of information have been personal as well as written works. What she has learned from G.K.C.'s countless friends and associates, from childhood on, makes this volume an indispensable source of future works on Chesterton.

No part of Chesterton's crowded life is here left undiscussed, from his early years to his last, and it would be difficult to say which part is the most interesting and informing. Chesterton very early in life gave indication of his unusual character and of his unusual gifts. He "chose his parents carefully" and spent a happy childhood at a time when both home and society were more conducive to the development of genius than they are today. At St. Paul's School his course was uneven, but surviving poems written there show his growing abilities. The head of the school judged him shrewdly when he wrote to the eighteen-year-old boy's mother, "Six foot of genius. Cherish him, Mrs. Chesterton, cherish him."

Successive chapters tell of Chesterton as an art student, of his settling on his due career—or should we say "vocation"?—of his courtship and marriage, and of the various aspects of his life and work after his early rise to fame. The most important of his various books are discussed as they appeared. His principal friends—Belloc, Cecil Chesterton, Shaw, Wells, and Msgr. John O'Connor among others—are introduced. Account is given of the Marconi case and its aftermath of a court trial for his brother, of the distributist movement, and of his travels in America and elsewhere. Because of the appearance of an earlier book on the Chestertons, Mrs. Sheed has taken particular pains to present an appealing picture of Chesterton's wife and of their home life.

The great event in Chesterton's life was, of course, his conversion to the Church. It is described in the chapter entitled "Rome *via* Jerusalem," although the whole biography is in a way an account of Chesterton's movement towards the Church. The character of this movement is summed up in the following passage:

"In the *Catholic Church and Conversion* he sketches the three phases through which most converts pass, all of which he had himself experienced. He sums them up as 'patronizing the Church, discovering the Church, and running away from the Church.' In the first phases a man is taking trouble ('and taking trouble has certainly never been a particular weakness of mine') to find out the fallacy in most anti-Catholic ideas. In the second stage he is gradually discovering the great ideas enshrined in the Church and hitherto hidden from him.

"It is these numberless glimpses of great ideas, that have been hidden from the convert by the prejudices of his provincial culture, that constitutes the adventurous and varied second stage of conversion. It is, broadly speaking, the stage in which the man is unconsciously trying to be converted. And the third stage is perhaps the truest and the most terrible. It is that in which the man is trying not to be converted. He has come too near to the truth, and has forgotten that truth is a magnet, with the powers of attraction and repulsion" (p. 453).

One cannot help using the word "great" of Chesterton. He was a great journalist, a great critic, a great stylist, a great paradoxist, a great apologist. The quality of his poetry and of many of his essays and stories is so high, the range of his talents is so wide, and his production so vast that he must be reckoned a great man of letters. That he was a great Englishman is not fully realized. But this he was because he is the latest of those many extraordinarily gifted and strikingly original geniuses of whom England alone seems to have the secret. But he was a great Englishman as well in that he was a patriot in the best and deepest sense of that term: he loved England, fought for her, saw her faults and dangers, and warned and worked against them. His greatness as an Englishman is given the clearest sign by his conversion to the true faith of England and the world.

Chesterton was greatly fortunate in life: he did what he wanted to do and what he was uniquely equipped to do; he gained early and lasting fame; he had the gift of giving and getting friendship; he was happily married; he was granted the immense graces of conversion to the Church and of dying with her sacraments. His good fortune continues after death with this full length portrait so ably done. *Gilbert Keith Chesterton* is a work that should be known and used in our Catholic schools and colleges even more than elsewhere. It is a book that should be prized and studied and employed to give to our youth a

knowledge of the mind and heart and writings of a man to whom the English-speaking Catholic world above all owes a deep and lasting debt.

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### Trailing a Famous Book Through the Years

Many, many years ago, in a time remote enough from these disturbed years to be remembered with yearning, when the world retained deeply many of the marks put upon it at creation by a beneficent God, and students worked their way up the Mount of Learning with an appreciably joyous leisure, one of the history texts we used in college was the three-volume "A General History of the Christian Era" by A. Guggenberger, S.J.<sup>1</sup> This college text was bulky and cumbersome, the type faces were inconveniently small, the references inadequate. The author, however, was a scholar who had put much thought and study into his writing; his story of the Christian Era was woven with an ineffable charm such as is seldom found among the precocities of today's writers. We knew our text to be the life-work of a persevering, saintly Jesuit on the staff of Canisius College, Buffalo. Though we commented with undergraduate wisdom on the ineptitudes and gaucheries of the printed page, we agreed that something ought to be done about Guggenberger to put his work into more acceptable form for general use. We had developed a measure of love for the book and fully realized the goodly profit which came to us from the discussions inspired by Father Guggenberger. We need not have worried; the story began to circulate about college that a "man in New York" was preparing to write a college history which would cover the modern part of the same field and do it in a new and refreshing manner. A few years later we made the acquaintance of that "man in New York." He was Carlton J. H. Hayes.

The story of William Holmes McGuffey and his "Eclectic Readers"<sup>2</sup> has been elevated to the position of sanctified legend;

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<sup>1</sup> *A General History of the Christian Era*, by A. Guggenberger, S.J. St. Louis: B. Herder, 1901.

<sup>2</sup> *McGuffey's Eclectic Readers*, by William Holmes McGuffey. Van Antwerp, Bragg and Co.; later American Book Co., 1879.



George Albert Wentworth and his various mathematics texts<sup>\*</sup> and their successors Wentworth-Smith, from the 1880's down to this moment have acted out a surprisingly durable pedagogic role. McGuffey has had his laurel; Wentworth is not here our concern; but it is proposed to make something of a beginning study of the life of a history text which in two forms has made a remarkable contribution to American educational standards and has helped to move the word "modern" along toward final definition in the field of European History. Let me be brave enough to say that Hayes gives reasonable promise of joining the illustrious company here named. I am hopeful that judgment on the comparison will not be harsh if I do not press it too far.

The appointment of Carlton J. H. Hayes as American Ambassador to Spain, an especially significant event because of the man, his work and the times, and an exceedingly profitable bit of political planning, is the sort of occasion which might very well serve as a beginning point for "a history of a history." In the year 1916 there appeared with the Macmillan imprint a two-volume work entitled "A Political and Social History of Modern Europe."<sup>4</sup> The author was that "man in New York," Carlton J. H. Hayes, Assistant Professor of History in Columbia University. As a consequence of the publication of this book, the writing of history, the teaching of history, the lives of many teachers no less than the perspectives of thousands of college students—all have been measurably affected. "A Political and Social History of Modern Europe" had a sort of intellectual son, "A Political and Cultural History of Modern Europe," born in 1936 and this son carried on the high tradition.<sup>5</sup>

It is not the purpose of this paper to review these two historical works of Hayes; that has been done constructively and destructively through the years. Several selections from the Preface of "A Political and Social History of Modern Europe" will be helpful in indicating the new tests which Hayes had set up for the college man and woman and in addition offer an acceptable interpretation of his view of the modern historian.

<sup>\*</sup> *College Geometry* (and various other mathematics texts), 1888, copyright by G. A. Wentworth; later Ginn and Co.

<sup>4</sup> *A Political and Social History of Modern Europe*, by Carlton J. H. Hayes. The Macmillan Co., 1916.

<sup>5</sup> *A Political and Cultural History of Modern Europe*, by Carlton J. H. Hayes. The Macmillan Co., 1932.

"There is too often a tendency to underestimate the intellectual capabilities of the collegian and to feed him so simple and scanty a mental pabulum that he becomes as a child and thinks as a child."<sup>a</sup>

And for the historian:

"Not so very long ago distinguished historians were insisting that the state, as the highest expression of man's social instincts and as the immediate concern of all human beings, is the only fit subject of historical study, and that history, therefore, must be simply 'past politics'; under their influence most textbooks became compendiums of dates about kings and constitutions, about rebellions and battles."<sup>b</sup>

To be sure there is something akin to the thinking of James H. Robinson and Charles A. Beard in this; but Hayes, as we shall see, has superadded, changed and refined. Hayes above all other things was to show himself as a Catholic, a follower of the scholastics; he could not be betrayed into overbalancing the importance of a single phase of human existence. The tremendous importance of the Catholic Church, the secondary nature of the State, the depth of interest and value in people's lives, the surging rise of the Middle Class, the true nature of culture, together with the interplay of these in the modern scene, would be presented by Hayes as a well-balanced estimate of man's progress or decline from 1500 to 1942.

August 2, 1916, was the publication date of "A Political and Social History of Modern Europe," Volume I, covering the history of Europe from 1500 to 1815. A constant stream of this volume was poured out by the Macmillan Company into the colleges of America until 1935 when the revised edition completely replaced it. Curiosity wells up and we wonder, because we lay much store by numbers today, exactly how many books were produced in the period of time since. Publishers generally add to the romance of their uncertain business by being chary of information which competitors may use. They have usually been reluctant to reduce generalities to precise figures about the number of copies they have published. It is understandable that this should be so. The writer of this article, however, has been particularly fortunate, first of all in dealing with a text which has become famous; and secondly

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<sup>a</sup> *A Political and Social History of Modern Europe*, page v.

<sup>b</sup> *Op. cit.*, page vi.

because the publisher has been willing to release figures revealing the number of copies he has printed.<sup>6</sup> Here, then, will be something of the publisher's side of the Hayes history. The figures are interesting. From 1916 to 1935, when it was replaced by "A Political and Cultural History of Modern Europe," Volume I, "A Political and Social History of Modern Europe," Volume I, reached a total of two hundred and five thousand copies printed.

August 16, 1916, was the publication date of Volume II, covering the period from 1815 to 1915. The original form was retained until the spring of 1924 when a revised edition brought the book up to date. The revised edition was sold until 1941 when it was replaced by Volume II of "A Political and Cultural History of Modern Europe." From 1916 to 1941 Volume II was run off the presses to the number of one hundred and eighty thousand copies!

If the two volumes of "A Political and Social History of Modern Europe" are estimated only for the sheer weight of numbers, if we think in terms of three hundred and eighty-five thousand volumes of well-written history being poured into American minds and libraries from one generation to another, we must be stirred by an unusual success. For author and publisher this has been an achievement.

Though "A Political and Social History of Modern Europe" has been surprising as a publishing feat and useful beyond contemporary texts to hundreds of thousands of American college students, it had been a somewhat sober-looking companion, almost too sedate in appearance. The very binding seemed to tell the student that he must concentrate; the absence of illustrations precluded distractions from the text. As we much earlier in college had wished for a modernization of Guggenberger, there now came a request for the modernization of Hayes. August 23, 1932, Volume I of "A Political and Cultural History of Modern Europe," 1500 to 1830, appeared in answer.

Here was something entirely new, different from the old Hayes, a delight to the eye and the hand. The "cultural" theme was apparent from the cover as well as from the pages of the text. Contemporary maps, drawings, charts and illustrations, a grand panorama of the work of the masters, tail pieces

<sup>6</sup> Report of Macmillan Company, May 26, 1942.

and inserts carefully chosen to accompany the new text, were disposed for all who loved art to see. Truth to tell, the illustrations did not please everyone; fault was found with the truly human realism of the Renaissance drawings. Suggestions were offered from some quarters that a few of them should be omitted in later printings.

What the new book was intended to do was thus explained by the author:

"The present work is based in part, but only in part, on *A Political and Social History of Modern Europe* which the author wrote in the four years 1912 to 1916. Into the story of how modern Europe has earned a living and been ruled is now wove the story of what it has thought and achieved in science and philosophy, in literature and art. The new synthesis is intended to present not a one-sided but a many-sided aspect of modern Europe."

From 1932 to 1942 Volume I of "*A Political and Cultural History of Modern Europe*" reached the astonishing total of one hundred and ten thousand copies printed.

January 29, 1936, Volume II, 1830 to 1935, was published and remained in print until 1941 when it was withdrawn in favor of of a "shorter revised edition." This was published May 23, 1939. Printings of the original Volume II from 1936 to 1941 reached a total of sixty thousand copies. Thus in its two forms Carlton J. H. Hayes' enduring text has reached the tremendous total of three hundred and fifteen thousand copies printed of Volume I and two hundred and forty thousand copies of Volume II! To be satisfied here with the trite term "Best seller" is to be altogether too easily satisfied, is to show little appreciation for the tribulations of authors and publishers. Most college texts are soon lost in the rush of developments; a few years is sufficient length of time for most of them to serve any purpose they may have. Publishers' shelves are often heavy with stacks of unsold books which in course of time find their way to the bargain counters and book departments of merchandisers to be sold at a fraction of their publication cost. In many ways, then, and surely from the viewpoint of production the older and the newer Hayes are examples of the most robust among modern American texts of history.

In a time like ours when most books are ephemeral, when the

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\* *A Political and Cultural History of Modern Europe*, page vii.



whirlwind of fancy and change in method blows aside both good and bad, the survival of the Hayes texts is worthy of special comment.

It has been my exceptional privilege in the preparation of this paper to receive the confidence of some of the associates of Carlton J. H. Hayes and to be brought nearer to some who have worked in close conjunction with him through the years. I am going to paraphrase their comments and mingle them with my own. According to his associates and according to those intimate friends who may tell him what they think, Carlton J. H. Hayes is a man of definite views and beliefs. For one thing Hayes is not a worshipper of etatism. For him the state is not the supreme flowering of the mind of man, nor is it the chief purpose for which the mind of man was called from nothingness by the Creator. Society, the interrelated living out of lives, is with Hayes a hopeful, progressive, at times stumbling but well ordered procession toward the purpose of all creation. Society means to get around to using man's mind to find the Creator of that mind and to fulfill the intention of the Creator in making man's mind. The fulfillment of the will and soul of man as a true creature is the philosophy of Hayes and he has written it into his two famous books.

In the nicer, more exact meaning of the term Hayes might be called a liberal. Yet he has always had the good sense to be somewhat skeptical of modern "culture," and he constantly edits the expression as we have printed it. In his two books as we read toward the mechanization of recent centuries, inverted commas flow like machine gun bullets before they have straightened themselves out for the target. The author of "A Political and Social History of Modern Europe" and "A Political and Cultural History of Modern Europe" is, as has been said before, above all things else a Catholic in thought and feeling. His every step is precise, well balanced; there is versatility in his view; he looks up, down and around; his loins are girded with accuracy and with truth.

I have used "A Political and Social History of Modern Europe" intermittently from 1916 to 1922; consistently and continuously since 1922 until the appearance of its successor. From such constant use I have grown to know something of the book and through the book I have come to know something of the man who made it. What I have found agrees with the testimony

of associates and students. He is a great teacher; his two books testify over a long, long period as books go, that he has made a permanent contribution to the writing of history.

You see, then, that my plaint from college days about the need for a better Guggenberger has become a song of praise for that "man in New York." When "A Political and Cultural History of Modern Europe" came along to thrust aside its older counterpart, it meant giving up an old friend for a new one, an adjustment I have never fully made nor do I intend to make it.

I know it to be true that those who have worked directly with Carlton J. H. Hayes have been benefitted in an exceptional way. For his students he has called forth the virtues of infinite patience, encouragement and wisdom. He has spent himself unsparingly as guide and counsellor, pushing himself and all those about him to higher and higher and higher standards. In his associates he has implanted a love for truth, ignited scorn for fraud and misrepresentation, developed a charitably applied norm to reveal amateurish incompetence. To be a Hayes is to be exceptional; we who are not Hayeses cry out in unhumorous disappointment because in our teaching we have not been able to do as much. But through the instrumentality of the two books we have discussed Hayes has carried even to us, and we in turn have carried to those with whom we work, the savor that goes out from books which have a soul to them.

A few final words. Though he may never have known it, or knowing it has never been smug enough to attribute what he saw as an achievement of his own, Hayes has influenced the lives and thoughts of many who are outstanding figures in the educational world of our time. Some whose letters I have by me as I write mention the debt with appreciation and gratitude. Thousands of others have been brought under the same influence through the two books whose history I have tried to begin in this paper. To influence historical thought from 1916 to 1942, from World War I to World War II (incidentally Hayes participated in both wars, in the First through the Intelligence Service, in the Second as Ambassador), is to achieve great things. Surely of "A Political and Social History of Modern Europe" and of "A Political and Cultural History of Modern Europe" it may be said: "Inter folia fructus!"

Mary Manse College,  
Toledo, Ohio.

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## Books Received

## Textbooks

Cutright, Prudence, Charters, W. W., and Sanchez, George I.: *Latin America—Twenty Friendly Nations*. New York: The Macmillan Company. Pp. 450. Price, \$2.00.

Marguerite, Sister M., S.N.D., M.A.: *Here We Are Again*. New York: Ginn and Company. Pp. 48. Price, \$0.28.

Syré, Leopold: *Ten Easy Motets*. For Two Equal Voices. Philadelphia: Oliver Ditson Company. Pp. 19. Price, \$0.30.

Woolley, Edwin C., Scott, Franklin W., and Berdahl, Evelyn Tripp: *College Handbook of Composition*. Boston: D. C. Heath and Company. Pp. 452. Price, \$1.50.

## General

Cicognani, Most Rev. Amleto Giovanni: *The Priest in the Epistles of St. Paul*. Paterson, N. J.: St. Anthony Guild Press. Pp. 119. Price, \$1.00 plus postage.

Conroy, Kitty: *George Colvin*. Kentucky Statesman and Editor. Lexington, Ky.: University of Kentucky. Pp. 60. Price, \$0.50.

Good, Carter V., and Hendrickson, Gordon: *Abstracts of Graduate Theses in Education*. Vol. IV. Cincinnati, Ohio: Teachers College, University of Cincinnati. Pp. 236.

Madeleva, Sister M.: *Addressed to Youth*. Paterson, N. J.: Saint Anthony Guild Press. Pp. 60. Price, \$1.00.

O'Donnell, Rev. George E., Editor: *St. Charles Seminary, Overbrook*. Overbrook, Philadelphia, Pa.: St. Charles Seminary. Pp. 401.

Sackville-West, V.: *The Eagle and the Dove*. A Study in Contrasts. St. Teresa of Avila—St. Therese of Lisieux. Garden City, N. Y.: Doubleday, Doran & Co., Inc. Pp. 175. Price, \$2.50.

*UE Guide to Political Action*. New York 22, 11 East 51st St. Pp. 162. Price, \$0.50.

## Pamphlets

Fitzgerald, John J.: *"Help" A Shriill Call from the Atlantic Charter*. Blind River, Ontario, Canada: Atlantic Charter Committee. Pp. 33. Price, \$0.25.

*Fundamentals of Military Map Reading.* Washington 25, D. C.: Superintendent of Documents. Pp. 16. Price, \$0.10.

Gardiner, Harold C., S.J.: *Tenets for Readers and Reviewers.* New York: The America Press. Pp. 24.

Harvey, Rudolph, O.F.M.: *A New Birth of Freedom.* Paterson, N. J.: St. Anthony Guild Press. Pp. 26. Price, \$0.05.

Kelly, Gerald, S.J.: *Modern Youth and Chastity.* St. Louis 8, Mo.: The Queen's Work, 3742 West Pine Blvd. Pp. 105. Price, \$0.25.

Long, Valentine, O.F.M.: *Youth Springtime of Love.* Paterson, N. J.: St. Anthony Guild. Pp. 26. Price, \$0.05.

O'Brien, Rev. John A., Ph.D.: *Why Not Receive Daily?* Paterson, N. J.: St. Anthony Guild Press. Pp. 26. Price, \$0.05.

Mendelsohn, S.: *The Battle of the Warsaw Ghetto.* New York: The Yiddish Scientific Institute, 535 West 123rd St. Pp. 28.

Rooney, Richard L., S.J.: *Apostles All. Light on the Liturgy.* St. Louis 8, Mo.: The Queen's Work, 3742 West Pine Blvd. Pp. 64 each. Price, \$0.20 each.

Schmiedeler, Rev. Edgar, O.S.B., Ph.D.: *Sterilization in the United States.* Washington 5, D. C.: Family Life Bureau, National Catholic Welfare Conference, 1312 Massachusetts Ave. Pp. 37.

*Teen Age Centers.* New York 10, N. Y.: National Recreation Association, 315 Fourth Ave. Pp. 21. Price, \$0.10.

*The Holy Father Speaks to Newlyweds.* Washington 5, D. C.: Family Life Bureau, National Catholic Welfare Conference, 1312 Massachusetts Ave., N. W. Pp. 56.



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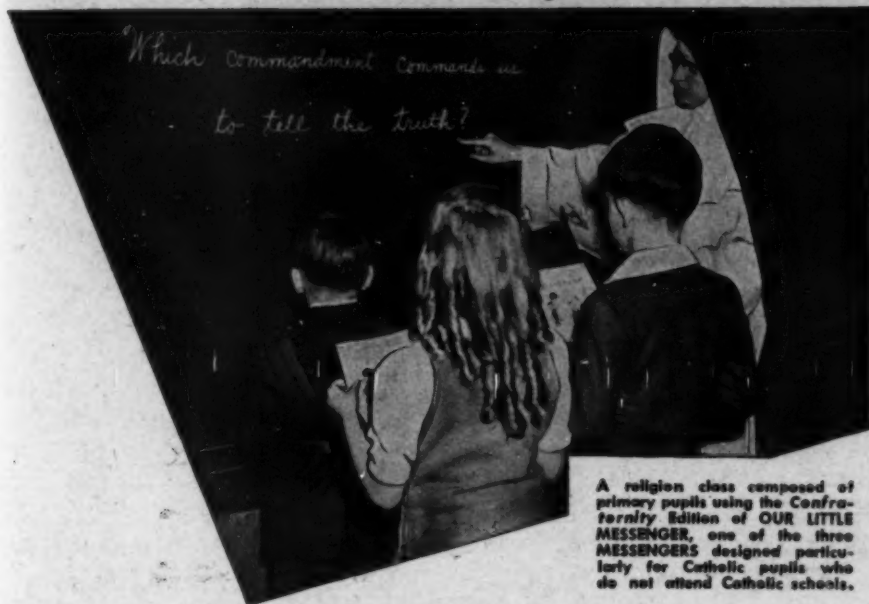
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